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## CWU Faculty Code of Personnel Policy and Procedure - 1981

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# FACULTY CODE OF PERSONNEL POLICY AND PROCEDURE

September, 1981

## T A B L E     O F     C O N T E N T S

<u>Section</u>	<u>Page</u>
000-099 <u>BOARD OF TRUSTEES, CODE, CODE REVISIONS</u>	1-5
0.01 Code of Personnel Policy and Procedure--Defined . . . . .	1
0.05 Repeal of Certain Board Ordinances and rules . . . . .	2
0.10 Procedure to Amend the Faculty Code--Regular Procedures . . . .	2-5
0.15 Delegation of Board Authority . . . . .	5
100-199 <u>ACADEMIC FREEDOM, FACULTY AND FACULTY SENATE</u>	6-8
1.01 Faculty--Defined. . . . .	6
1.02 Full-Time Appointment--Defined. . . . .	6-7
1.03 Academic Year--Defined. . . . .	7
1.04 Working Days--Academic Year . . . . .	7
1.05 Rights and Privileges of Faculty. . . . .	7
1.06 Academic Freedom. . . . .	8
<u>FACULTY SENATE OF CENTRAL WASHINGTON UNIVERSITY</u>	8-11
1.10 Faculty Senate. . . . .	8
1.20 Faculty Senate--Powers. . . . .	9
1.25 Faculty Senate--Membership. . . . .	9-10
1.30 Officers of the Senate. . . . .	10
1.40 Committees. . . . .	10-11
1.50 Faculty Forum . . . . .	11
1.55 Referendum. . . . .	11
1.60 Initiative. . . . .	11
1.65 Review by Faculty . . . . .	11
200-299 <u>TYPES OF APPOINTMENT: LEAVES; LOAD; PROMOTIONS; SALARIES;</u> <u>RETIREMENT AND OTHER EMPLOYMENT CONDITIONS</u>	12-42
2.05 Academic Rank . . . . .	12
2.07 Academic Rank--Limitations. . . . .	12
2.10 Minimum Qualifications for Academic Rank. . . . .	12-14
2.12 Exceptions to Rank Requirements . . . . .	15
2.13 Lecturer--Rights, Privileges and Limitations. . . . .	15
2.14 Teaching Associate--Rights, Privileges and Limitations. . . . .	15-16
2.15 Special Titles and Assignments. . . . .	16
2.16 Coaches, Athletic Director--Rights, Privileges, Limitations . .	17
2.17 Adjunct Appointments. . . . .	17-18
2.18 Senior Instructors. . . . .	18
2.19 Part-Time Appointments. . . . .	19
2.20 Graduate Degree Work by Faculty Members . . . . .	19
2.21 Transcripts . . . . .	19
2.22 Reports of Service, and Permanent Records . . . . .	19-20
2.23 Base Salary . . . . .	20
2.24 Contingency Contracts--Degrees, Certificates. . . . .	20



<u>Section</u>	<u>Page</u>
2.25 Step Increase for Completion of Terminal Degree. . . . .	20
2.27 Promotions in Rank . . . . .	20-21
2.28 Promotion Schedule . . . . .	21
2.30 Procedure for Determining Promotions . . . . .	21-23
2.33 Departmental Criteria for Promotions, Tenure, Salaries and Reappointments . . . . .	23
2.35 Explanation of Non-Promotion . . . . .	23
2.36 Merit. . . . .	23-24
2.37 General Obligations of Teaching Faculty Members. . . . .	24
2.38 Faculty Load--Instructional Faculty Members. . . . .	25-27
2.39 Other Faculty Loads. . . . .	28
2.40 Consulting and Outside Work. . . . .	28-29
2.43 Absence from Class or Campus . . . . .	29
2.44 Faculty Travel . . . . .	29
2.45 Salary Requests. . . . .	29-30
2.47 Yearly Salary Adjustments. . . . .	30
2.48 Correcting Salary Inequities . . . . .	30
2.50 Salary Policies for Miscellaneous Appointments . . . . .	30-32
2.55 Date for Salary Payments . . . . .	32
2.60 Basic Salary Policy. . . . .	32
2.65 Professional Leave--Purposes . . . . .	32
2.70 Professional Leave--Eligibility. . . . .	33
2.75 Professional Leave--Special Conditions . . . . .	33-34
2.80 Professional Leave Committee--Powers and Duties. . . . .	34-35
2.85 Application for Professional Leave . . . . .	35-36
2.90 Professional Leave--Reports. . . . .	36
2.95 Professional Leave--Salary and Administration. . . . .	36-37
2.97 Retraining Leave . . . . .	37-38
2.100 Disability Leave--Definition . . . . .	38
2.105 Disability Leave--Eligibility. . . . .	38-39
2.110 Short-Term Disability Leave--Benefits. . . . .	39
2.115 Long-Term Disability Leave--Benefits . . . . .	39
2.120 Disability Leave--Special Conditions . . . . .	39-40
2.122 Funeral Leave. . . . .	40
2.123 Leaves of Absence Without Pay. . . . .	40-41
2.125 Annual Leave--Twelve-Month Appointments. . . . .	41
2.127 Retirement . . . . .	41
2.130 Professor Emeritus Appointments. . . . .	42
 300-399 <u>CONDITION AND TERMS OF APPOINTMENTS; TENURE; DISMISSAL;</u> <u>GRIEVANCES; ACADEMIC FREEDOM</u>	 43-73
3.00 Appointment of Faculty Members . . . . .	43
3.03 Selection of Department Chairmen . . . . .	43-44
3.06 Kinds of Appointments. . . . .	44
3.09 Types of Appointments. . . . .	44-45
3.12 Non-Tenured Appointments--Length of Term . . . . .	45
3.15 Appointments--Teaching Faculty--Minimum Qualifications . . . . .	45
3.18 Appointment--Written Statement--Time . . . . .	45

SectionPage

3.21 Summer Session . . . . .	46
3.24 Summer School Appointment . . . . .	46-47
3.28 Summer Salaries . . . . .	47
3.30 Pay Periods and Salary Payment Policies . . . . .	47
3.32 Additional Assignments for Additional Pay . . . . .	47
3.33 Special Assignments . . . . .	48
3.34 Use of University Facilities When Not Employed or During Vacation Periods. . . . .	48
3.39 Reappointments--Procedures. . . . .	48-49
3.42 Definition of Tenure. . . . .	49
3.45 Eligibility for Tenure--General . . . . .	49
3.48 Acquisition of Tenure--Probationary Periods . . . . .	50-51
3.51 Tenure--Procedure for Granting. . . . .	51
3.54 Notice of Termination by Faculty Member . . . . .	51-52
3.55 Resignation . . . . .	52
3.56 Faculty Standing Committee--The Faculty Grievance Committee . . . . .	52-53
3.57 Faculty Grievance Committee--Composition. . . . .	53
3.58 Faculty Grievance Committee--Powers and Duties (General). . . . .	53
3.59 Disciplinary Actions and Policies . . . . .	54-56
3.60 Violation of State and Federal Laws--Disciplinary Action. . . . .	56
3.61 Grievance Procedure . . . . .	57-58
3.62 Procedures for Informal Hearings in Cases Not Covered by Section 3.92. . . . .	58-59
3.63 Non-Reappointment--Notice Requirements. . . . .	59-60
3.66 Non-Reappointment--Academic Freedom . . . . .	60
3.72 Termination of Appointments--Cause. . . . .	60-61
3.73 Termination Based on Financial Exigency . . . . .	61-62
3.74 Termination--Release Prior to End of Contract Period. . . . .	62
3.75 Termination for Medical Reasons . . . . .	62
3.76 Non-Reemployment of Term Employees. . . . .	62-63
3.78 Layoff Policy . . . . .	63-67
3.80 Grievance Procedure--Personnel Coverage . . . . .	67
3.90 Dismissal Procedures--Initial Steps . . . . .	67-68
3.91 Termination Date. . . . .	68
3.92 Informal Hearings: Dismissal of Faculty Member for Cause and Termination of Employment Due to Reduction-in-Force . . . . .	68-69
3.93 Formal Hearings: Dismissal of Faculty Member for Cause and Termination of Employment Due to Reduction-in-Force . . . . .	70-73
3.95 Suspensions . . . . .	73
3.97 Terminal Salary or Notice . . . . .	73

#### IV. FACULTY CODE OF PERSONNEL POLICY AND PROCEDURE

##### SECTION 000-099

##### BOARD OF TRUSTEES, CODE, CODE REVISIONS

##### 0.01 Code of Personnel Policy and Procedure--Defined<sup>1</sup>

- A. The Faculty Code of Personnel Policy and Procedure of Central Washington University is a set of policies approved by the Board of Trustees pursuant to the board's authority in RCW 28B. 40.120, subsection (11), wherein the Legislature provided authorization to ". . . promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the university."
- B. This code is binding on the faculty as defined in Section 1.01, the university administration, and the Board of Trustees. Provisions may be changed in accordance with procedures provided in Section 0.10.
- C. All university policies and procedures are subject to federal laws, to the laws of the State of Washington and the authority vested in the Board of Trustees. Nothing in this code shall be construed as an abrogation or an extension in any way of any responsibility or power vested in the Board of Trustees by the laws of the State of Washington.

All provisions of this code may be subject to and superseded by Washington State Legislative Enactments.

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<sup>1</sup>The words "he, him, man" and the like shall be understood in their general, rather than masculine sense.

#### 0.05 Repeal of Certain Board Ordinances and Rules

- A. The Board of Trustees of Central Washington University by the adoption of this code repeals any and all ordinances and policies adopted by the board and any and all rules adopted by the board which are contrary to or inconsistent with the provisions in this code. The enumeration in this code of certain rights and duties shall not prohibit the university administration from adopting and retaining operational rules which are not in conflict or inconsistent with the rules contained in this code. Any pending action or proceeding shall not be affected by this code except that subsequent proceedings therein shall conform with the provisions of this code so far as applicable.

#### 0.10 Procedure to Amend the Faculty Code--Regular Procedures

- A. Proposals for amendments to the Faculty Code of Personnel Policy and Procedure may be initiated by the Board of Trustees, any board member or members, the Faculty Senate and the President. Amendment proposals may be processed to their resolution in groups or singly.

Except in an emergency, the procedure for amendment to the code through such proposals shall be as follows:

- (1) Amendment proposals submitted to the Board of Trustees by the president or any board member(s) shall be submitted in addition and at the same time to the Faculty Senate. All senate review of the proposals shall be completed within sixty (60) calendar days of the academic year after receipt of such proposals and at or before the end of such sixty (60) day period the senate shall submit a report to the Board of Trustees and the president stating the position of the Faculty Senate regarding the president's or board members' amendment proposal. Proposals rejected by any of these parties may be submitted for resolution of differences under procedures described in Section 0.10, Subsection A, (5).
- (2) Amendment proposals shall be submitted to the Board of Trustees by the Faculty Senate through the office of the president. The president and board reviews of the proposals shall be completed within sixty (60) calendar days of the academic year after receipt of such proposals and at or before the end of such sixty (60) day period the board and the president shall submit reports to the Faculty Senate stating their respective positions on the senate's amendment proposals. Proposals rejected by the president or the Board of Trustees may be submitted for resolution of differences under procedures described in Section 0.10, Subsection A, (5).
- (3) Senate and faculty action on amendment proposals originating with the faculty shall proceed as follows:
  - (a) A faculty member may originate an amendment proposal by submitting it to the senate accompanied by the supporting signatures of at least 10 percent of all faculty members as defined in Section 1.01 of this code.

- (b) After submission of the amendment proposal to the senate, the Senate Code Committee shall consider the rationale for the proposal and may recommend such changes in the form and substance of the proposal as it deems necessary.
  - (c) The amendment proposal, accompanied by recommended changes by the Code Committee, and at the same time notice of public hearing on such proposal before the Code Committee shall be submitted to each faculty member in writing at least ten (10) calendar days of the academic year before said public hearing is to be held.
  - (d) After the public hearings the Code Committee shall report to the Faculty Senate. The senate shall then consider the amendment proposal and vote on it. If the proposed amendment passes the senate by a two-thirds majority, it shall then be submitted to the president, and be duly acted upon as in Section 0.10, Subsection A, (2).
- (4) The faculty may override the action of the senate through the procedures for faculty review provided in this code.
- (5) Except as otherwise provided in Section 0.01 C., the Board of Trustees may take action on any proposal previously submitted by the Faculty Senate, the president and board member(s) not less than thirty (30) calendar days of the academic year after submitting the final amendment proposal to the Faculty Senate and the president, provided that:
- (a) The board may immediately adopt the proposal if the president and the Faculty Senate have approved the proposal; or
  - (b) All proposals and recommendations made, and positions taken formally by the Faculty Senate and the president will be given serious consideration and study by the Board of Trustees and the trustees shall present reasons, in writing, to the Faculty Senate and the president, if the board rejects the proposals, recommendations, or positions; and
  - (c) If the board rejects the proposal(s) and if objections are filed by the Faculty Senate or the president with the board chairman within fifteen (15) calendar days of that rejection, at least two (2) meetings attempting to resolve differences shall be held between the president, the Faculty Senate Executive Committee, and a member or members of the Board of Trustees within thirty (30) calendar days following the presentation of objections by the Faculty Senate or the president and within the academic year, if possible. These meetings shall be open to all interested parties and shall provide for all parties to be heard publicly, according to procedures promulgated by the group designated to meet to resolve differences. If such differences are resolved in such meeting(s), the Board of Trustees at its next meeting



shall consider for adoption the proposed amendment so agreed to. If, at the conclusion of these meetings, any party, Board of Trustees, Faculty Senate Executive Committee or president, declines to accept all or part of the proposed amendment, that party may declare that an impasse exists, in which case the following procedures shall be utilized:

- (i) Within fifteen (15) calendar days of the academic year, following a declaration of impasse, an Impasse Committee shall be designated, shall deliberate the issue(s) involved, and shall render a majority recommendation, which shall be considered advisory to all parties. The Impasse Committee shall be comprised of the following persons:
    - (aa) Two persons designated by the president;
    - (bb) Two persons designated by the Faculty Senate;
    - (cc) One committee chairperson designated by unanimous agreement of the above committee members. If a chairperson is not selected within twenty-five (25) calendar days following the declaration of an impasse, within the academic year, a new committee shall be designated by the parties.
  - (ii) The Impasse Committee shall provide written notification of its recommendations to all affected parties. At its next meeting, the Board of Trustees shall review the impasse item and reach its final conclusion.
- (6) As a general rule, board, president, faculty senate and faculty action on the code shall be completed within the regular academic year, as defined in Section 1.03 of this Faculty Code. This is to allow the president's office to issue an updated code on September 1 of each year, and to cause all action on code revision to take place during the academic year.
  - (7) In order to assure that the Faculty Code of Personnel Policy and Procedure is kept under study, and updated, the Faculty Senate Code Committee and the president of the university shall review the code each year and submit their proposed revisions to the Board of Trustees and the Faculty Senate before January 1. Such proposals may be made jointly or independently.
  - (8) A request for a formal interpretation of the code must be initially submitted to the Faculty Senate Code Committee which shall review the request and make a written recommendation to the president and the Board of Trustees within sixty (60) days of the date of receipt of the request. The Board of Trustees shall take action on the proposed request within ninety (90) days of its receipt by the Code Committee.

- (9) If the Board of Trustees takes emergency action, such action shall be effective until the procedures outlined in Section 0.10 have been completed.

0.15 Delegation of Authority

- A. Unless the Board of Trustees specifically delegates its authority by formal action or resolution to specific individuals or groups, only the Board of Trustees may authorize appointments, leaves, promotions and other employment conditions and privileges contained in this code.

## SECTION 100-199

### ACADEMIC FREEDOM, FACULTY AND FACULTY SENATE

#### 1.01 Faculty--Defined

- A. As used in this Faculty Code, the word "faculty" shall mean only those individuals employed full-time by the university:
- (1) who teach, coach, serve as Athletic Director, supervise research or engage in similar academic endeavors in which students receive credit or academic benefit and who hold one (1) of the following academic ranks: professor, associate professor, assistant professor, and instructor, or who hold one of the following professional designations: lecturer, coach, Athletic Director, or teaching associate in the Washington Center for Early Childhood Education.
  - (2) who occupy administrative positions and who hold one (1) of the professional ranks listed in Section 2.05, and
    - (a) who hold academic tenure or
    - (b) who occupy one (1) of the following administrative posts: President, Vice President for Academic Affairs, Dean of Graduate Studies, Dean of Undergraduate Studies, Dean of an Academic School.
  - (3) who serve as librarians and/or professional media specialists or who serve as members of the counseling and testing services and who hold one (1) of the professional designations or academic ranks listed in Section 1.01 A (1).
- B. The word "faculty" as used in this code does not apply to any other employees of the university including but not limited to adjunct faculty, part-time faculty (less than full time assignment, by academic year or by quarterly assignment), civil service employees, civil service exempt employees without academic rank and student employees. Such employees are not entitled to the rights and privileges of this code unless specific code provisions make such allowances.

#### 1.02 Full Time Appointment--Defined

- A. Full time appointment or employment means that the faculty member:
- (1) is receiving full salary and benefits;
  - (2) is carrying a full faculty load as defined in Sections 2.38 and 2.39;
  - (3) may have a full time assignment with responsibilities divided between academic departments and with or between other units of the university.

- B. Faculty members who are normally regular full time employees, who are on part-time or full time leave of any kind as authorized by this code, or who have a part-time assignment, shall retain the same employment status as accorded to all full time faculty as defined in Section 1.01, except as otherwise provided in this code.

#### 1.03 Academic Year--Defined

- A. "Academic year" as used in this Faculty Code shall mean the three (3) successive regular quarters--fall, winter, and spring--inclusively. This definition is not meant to restrict kinds and types of appointments listed elsewhere in this code.

#### 1.04 Working Days--Academic Year

- A. Academic year working days, or "university calendar days", when all full time faculty are expected to be present, are considered to be the total of all instructional, registration, and final examination days. In addition, the president of the university may require the faculty to be present for advising, planning, orientation and testing purposes two (2) business days (week days immediately before registration) in the fall. In addition up to twenty percent (20%) of the faculty of each school and/or faculty unit, including a representative of each department, may be required to attend spring commencement unless excused by the appropriate dean or unit director. The advising, planning, orientation and testing days and the commencement day are considered added professional responsibilities; however, such days are not counted when a faculty member's salary is pro-rated in working days.
- B. In addition, faculty members shall meet their other professional responsibilities, such as reporting class grades, which are due two working days following the end of a quarter.
- C. The definition of working days given above does not apply to those faculty who accept twelve (12) month or other types of appointments nor does it include summer school appointments.

#### 1.05 Rights and Privileges of Faculty

- A. All faculty, as defined in Section 1.01 of this Faculty Code, shall be eligible to vote in faculty meetings and in all university faculty elections and faculty-wide votes conducted by the Faculty Senate. The voting of part-time faculty (not included in Section 1.01) and student representatives on departmental matters shall be determined by the full time faculty of that department unless otherwise restricted by other provisions of this code.
- B. All faculty defined in Section 1.01 shall be entitled to and subject to all the duties, rights and privileges prescribed in this Faculty Code unless otherwise specifically restricted by particular code provisions--e.g., faculty are not eligible for nor may they ever achieve rank or tenure in their administrative positions.

## 1.06 Academic Freedom

- A. Faculty members retain their constitutional rights and sacrifice none by virtue of their professional association with the university. Of particular importance is academic freedom, which is the right of students and scholars in institutions of higher education freely to think, study, discuss, investigate, teach and publish. Institutions of higher education are conducted for the common good. The common good depends upon the free search for truth and its free exposition. So defined, academic freedom is essential to these purposes, and carries with it responsibilities and duties correlative with rights included but not limited to the following:
- (1) The faculty member shall have freedom in the classroom in discussing his subject, but he shall not introduce into his teaching matter that which has no relation to his subject;
  - (2) Each faculty member shall have full freedom in research and in the publication of the results, provided that the quality of his performance of his other academic duties is not adversely affected;
  - (3) The faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he shall be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence, he should strive at all times to be accurate, should exercise appropriate restraint, should show respect for the opinions of others and shall be expected to make every effort to indicate that he is not an institutional spokesman. As a citizen engaged in a profession that depends upon freedom for its well-being and integrity, the faculty member has a particular obligation to promote conditions of free inquiry.

## FACULTY SENATE OF CENTRAL WASHINGTON UNIVERSITY

### 1.10 Faculty Senate

- A. The Faculty Senate, as the representative body of the faculty of the university as defined in Section 1.01 of this Faculty Code, shall have the responsibility of acting for and on behalf of that Faculty in all matters.



#### 1.20 Faculty Senate--Powers

The Faculty Senate shall have the following powers and duties:

- A. to review and approve changes that the president, and other administrators or that departments and their chairmen and committees wish to initiate regarding educational policy, curricula, academic programs, and academic regulations and standards;
- B. to initiate action recommending studies and changes relating to educational policy, curricula, academic programs, and academic regulations and standards;
- C. to recommend to the president and to the faculty on matters relating to faculty welfare or morale, personnel policy and procedures, student affairs, business and budgetary affairs, and other matters of professional interest to faculty.

#### 1.25 Faculty Senate--Membership

- A. The Faculty Senate shall be comprised of:
  - (1) the following voting members:
    - (a) One senator and an alternate elected from each academic department and from each of the following: library faculty; staff of the Washington Center for Early Childhood Education; faculty of the Ethnic Studies Program; and combined membership of the Counseling and testing Services;
    - (b) At-large senators each with an alternate, equal in number to one-fourth ( $\frac{1}{4}$ ) of all departments and faculty units represented on the Faculty Senate and rounded to the nearest whole number;
    - (c) Three (3) full-time students, elected by the student body;
  - (2) The president of the university, ex officio (non-voting, attendance not required).
- B. Terms of service for all senators shall be three (3) years, beginning on June 15. Provisions for replacements will be found in the Faculty Senate By-Laws.
- C. Except for the provision for student senators (1.25 A (3)), only faculty members as defined in Section 1.01 shall be eligible to serve on the Faculty Senate.
- D. A faculty senator is the uninstructed representative of his constituents. It shall be the responsibility of each senator to act in a fiduciary capacity in relation to his constituents and to seek their opinions. However, having exercised such responsibility, each faculty senator shall be free to make his own decisions, to speak and vote on matters according to his own reasoned judgments.

### 1.30 Officers of the Senate

The Faculty Senate shall elect annually from among its membership a Chairman and such other principal officers, with their powers and duties, as established in its By-Laws. The Chairman shall be the presiding officer at all meetings of the Senate, at any Faculty Forum, and at general faculty meetings upon request by the president of the university. He shall serve as official representative and spokesman of the faculty and the Senate in communication with the faculty, the Board of Trustees, the administration, the student body, and other groups; and in this capacity shall have ex officio membership upon all major administrative committees. As chief executive officer of the Senate, he shall coordinate and expedite the business of the Senate and its committees.

### 1.40 Committees

The Faculty Senate shall create such ad hoc and standing committees as provided for in its By-Laws; but shall establish the following standing committees, with powers and duties as described;

- A. The Faculty Senate Code Committee shall be concerned with the continuing study and improvement of the Faculty Code, and shall receive, review, initiate, and make recommendations or proposals for amendments to the Faculty Code, coordinating its efforts with other individuals, groups or committees as necessary or appropriate, and shall prepare drafts of such amendments and present such drafts to the senate together with the rationale for such amendments, and shall do such other similar things as may be requested by or approved by the Senate Executive Committee;
- B. The Faculty Senate Budget Committee shall be concerned with recommendations regarding the budgetary and financial affairs of the university, the level of financial support for the university and the short and long-range budgetary projections and the distribution of funds within the university. The committee shall cooperate with other individuals, groups or committees in carrying out its duties, and shall do such other things as may be requested by or approved by the Senate Executive Committee.
- C. The Faculty Senate Curriculum Committee shall be concerned with the study, development, and improvement of the curriculum, educational programs, and academic policy at the university, shall cooperate with other individuals, groups or committees at the university in carrying out its duties, and shall do such other things as may be requested by or approved by the Senate Executive Committee.
- D. The Faculty Senate Academic Affairs Committee shall be concerned with the study and improvement of academic standards and academic organizational structures. It shall make policy recommendations concerning admissions, registration, grading, withdrawal, the university calendar scheduling, and academic support systems such as the library and audio-visual division. It shall cooperate with other individuals, groups or committees in long-range planning, including the creation of new schools, departments, programs and academic posts. It shall do such other similar things as may be requested by or approved by the Senate Executive Committee.

- E. The Faculty Senate Personnel Committee shall be concerned with all matters relating to the terms and with conditions of faculty employment at the university, aspects of academic policy which affect faculty morale, and with other matters which may be considered with the approval of or upon request of the Senate Executive Committee.

#### 1.50 Faculty Forum

The faculty forum is an unofficial open meeting of the faculty to which all members of the faculty shall be invited and which shall be presided over by the chairman of the Faculty Senate or a faculty member designated by him. A faculty forum may be called for any purpose. The chairman and/or the Senate Executive Committee shall decide whether, when, and for what purpose a faculty forum may be called.

#### 1.55 Referendum

The Faculty Senate may decide to refer any question or issue before it to the faculty at-large for vote, which shall be conducted with reasonable promptness according to such procedures as may be prescribed by the Senate Executive Committee.

#### 1.60 Initiative

Any ten (10) faculty members may, by written petition filed with the chairman of the Faculty Senate, secure consideration, with reasonable promptness, of any matter over which the senate has power to act.

#### 1.65 Review by Faculty

All actions of the Faculty Senate shall be subject to review by the university faculty as defined in Section 1.01. A review shall be conducted only after a written petition for review has been signed by at least ten percent of the faculty as defined in Section 1.01 and submitted to the Faculty Senate chairman. The petition for review must be filed no later than 14 days after the approval of the minutes of the meeting during which the action to be reviewed was taken. A special meeting of the Faculty Senate shall be called by the senate chairman within 10 days after the petition is submitted. If the senate refuses to change its position, a vote of the entire faculty on the action under review shall be conducted by the Faculty Senate Executive Committee. The voting procedure shall provide for a secret vote of the faculty and for voting to continue for seven (7) calendar days (inclusive). A majority vote of those faculty voting on the question shall determine the outcome of the review and whether or not the senate action is reversed. From the date of the filing of a valid petition for review until the determination of the outcome of the vote of the faculty on the action under review, the Faculty Senate may not undertake action concerning or affecting the original action of the senate under review.

## S E C T I O N 200-299

### TYPES OF APPOINTMENT: LEAVES; LOAD; PROMOTIONS; SALARIES; RETIREMENT AND OTHER EMPLOYMENT CONDITIONS

#### 2.05 Academic Rank

A. Faculty as defined in Section 1.01 shall be ranked according to the following classifications:

- (1) Instructor,
- (2) Assistant Professor,
- (3) Associate Professor,
- (4) Professor.

#### 2.07 Academic Rank--Limitations

A. The conferral and possession of academic rank shall be subject to the following limitations:

- (1) The rank possessed by a faculty member appointed as a substitute for a faculty member on leave or otherwise absent need not correspond with the rank of the absent faculty member.
- (2) In emergency situations individuals may be appointed to faculty positions without rank, provided that such appointments shall not be for more than one (1) academic year.
- (3) There shall be no arbitrary apportionment of ranks, either within departments, schools, or throughout the faculty as a whole. The needs of the university programs and the ability of the university to finance various rank distributions, however, shall be considered by the Board of Trustees, the president, the vice president for academic affairs, and the Faculty Senate.
- (4) The university shall acknowledge the increased value of the faculty due to previous experience.
- (5) As a general policy, new appointments are made at the rank of instructor or assistant professor.
- (6) Teaching associate, adjunct, senior instructor, lecturer, and other such positions are considered "designations" and not "ranks."

#### 2.10 Minimum Qualifications for Academic Rank

A. The minimum qualifications for the four academic ranks at the university prescribed in Section 2.05 of the Faculty Code, stated in terms of either or a combination of both academic preparation and experience or achievement, shall be as listed below provided that the original

appointment of a faculty member shall normally be made with the rank for which that faculty member possesses the minimum qualifications, and provided further that special situations may exist which may justify waiver of the minimum requirements as provided in this code. Such appointments are recommended by the appropriate department and its chairman, the appropriate dean and the vice president for academic affairs. The university president may permit vacancies and/or new appointments to be filled only at certain rank levels.

- B. The following are regarded as the minimum qualifications for rank and it is recognized that at any given time, a significant number of faculty members will qualify for promotion according to these minimal standards, and provided that evaluation of professional academic experience shall be at the discretion of the vice president for academic affairs, subject to the grievance procedures of this code:

(1) Instructor

- (a) the Master's degree as recognized by United States accrediting associations and a minimum of one (1) year of professional academic experience,

or

- (b) the Master's degree as recognized by United States accrediting associations and 30 quarter credit hours of systematic study beyond that needed for the Master's degree, if without professional academic experience;

(2) Assistant Professor:

- (a) the Doctorate degree, as recognized by United States accrediting associations, or equivalent (i.e. standards established by recognized United States accrediting associations and two (2) years of professional academic experience;

or

- (b) The Master's degree as recognized by United States accrediting associations and 45 quarter credit hours of systematic study beyond that needed for the Master's degree and three (3) years of professional academic experience;



or

- (c) the Master's degree as recognized by United States accrediting associations and five (5) years of professional academic experience;

(3) Associate Professor

- (a) the Doctorate degree or equivalent (i.e. standards established by recognized United States accrediting associations) and six (6) years of professional academic experience;

or

- (b) the Master's degree as recognized by United States accrediting associations and 45 quarter credit hours of systematic study beyond that needed for the Master's degree, and eight (8) years of professional academic experience;

(4) Professor

- (a) the Doctorate degree in those fields in which such degrees are normally expected or the equivalent (i.e. standards established by recognized United States accrediting associations) and ten (10) years of professional academic experience;

and

- (b) possession of these three (3) qualifications:
  - (i) excellent teaching which commands the special respect of the faculty and students; or, for faculty members who do not conduct organized classes, excellent performance of duties;
  - (ii) evidence of superior scholarship as evidenced in research or other contributions;
  - (iii) important professional contribution of local or general significance, or considerable responsibility for university policy as chairman or member of the various policy-forming committees, or a record of effective and significant contribution to the proper functioning of the university and the educational needs of students.

## 2.12 Exceptions to Rank Requirements

- A. Exceptions to the rank requirement and technical equivalencies may be made for those individuals who, because of professional reputation, stature, maturity and appropriate experience, are worthy of consideration for appointment to rank, promotion, and tenure, but who may not be covered by certain other provisions in this code. In each instance the recommendation shall be made by the department and approved by the appropriate administrators, the president, and the Board of Trustees. Each case shall be presented on its own merits and shall not constitute a precedent for others.

## 2.13 Lecturer--Rights, Privileges, and Limitations

- A. Except as otherwise provided in the Faculty Code, Lecturers shall have the following rights and privileges, and are subject to the following limitations:
- (1) Individuals appointed to the position of lecturer do not hold academic rank.
  - (2) A lecturer may be appointed for a term of service not to exceed one year at a time, and may be subsequently reappointed for an additional term or terms of service, and may be appointed to either full or part-time positions.
  - (3) The appointment of lecturers is made by the Board of Trustees upon recommendation of the department involved and approval by the appropriate dean, the vice president for academic affairs, and the president.
  - (4) A lecturer is not eligible for promotion, professional leave, tenure, and other similar benefits, although he may at any time be given a regular appointment with academic rank and, with such regular appointment, upon recommendation of the department and approval by the appropriate dean, the vice president for academic affairs and the president, be given the right by the trustees to apply the length of time served as lecturer towards promotion, tenure, and professional leave or other similar benefits.
  - (5) In appropriate cases unusual titles may be utilized with the lecturer classification, such as Senior Lecturer, unless restricted by this code.
  - (6) All full-time lecturers have rights and privileges of faculty as stipulated in Section 1.05, unless otherwise restricted by this code.

## 2.14 Teaching Associate--Rights, Privileges and Limitations

- A. Except as otherwise provided in this code, teaching associates have the following rights and privileges, and are subject to the following limitations:

- (1) Individuals appointed to the position of teaching associate do not hold academic rank.
- (2) The teaching associate position is reserved for use at Central Washington State College only for the staff of the Washington Center for Early Childhood Education.
- (3) A teaching associate may be appointed to a yearly term of service in conformity with the local public school schedule. A teaching associate may be appointed to full or part-time assignments.
- (4) A teaching associate is not eligible for tenure, although the length of service as a full-time teaching associate may, upon recommendation of the appropriate chairman or program director, the dean, the vice president for academic affairs, and the president, be counted by the university trustees as part of the probationary period when a teaching associate is given a regular appointment with academic rank.
- (5) A teaching associate shall have all responsibilities, obligations, rights, and privileges as provided for in this code for faculty as defined in Section 1.01, unless otherwise restricted by the provisions of this code.
- (6) Minimum qualifications for a teaching associate at the time of initial appointment are the Master's degree as recognized by United States accrediting associations and two (2) years of professional experience with children. Exceptions may be made only on the basis of exceptional strengths or experience. In such instances, the recommendation shall be made by the staff of the Washington Center for Early Childhood Education, the appropriate administrators, and the president, to the Board of Trustees. Each case shall be presented on its own merits and shall not constitute a precedent for others.
- (7) A teaching associate may be the equivalent of any professional rank in regard to salary positioning. Salary comparisons may be made with similar positions in the local public schools.
- (8) Except with dismissal or termination as provided in this code, written notice by the president or his designee not to renew any teaching associate's appointment, or of any intention not to recommend reappointment of any teaching associate to the Board of Trustees shall be made not later than March 15 of each year.

## 2.15 Special Titles and Assignments

- A. The Board of Trustees may authorize full or part-time appointments, using titles such as advisor or counselor. These shall be term appointments specifying a starting date and an expiration date. Service in such positions does not count toward tenure. Recommendations for such appointments are processed through departments and the appropriate academic administrators.

## 2.16 Coaches, Athletic Director--Rights, Privileges, Limitations

- A. Except as otherwise provided in this code, coaches have the following rights and privileges, and are subject to the following limitations:
- (1) Individuals appointed to the position of coach or Athletic Director may be granted the academic rank for which they qualify according to Section 2.10. If, however, a coach or Athletic Director is granted academic rank, subsequent salary adjustments are governed by the conditions of the approved faculty salary schedule in regard to rank and salary. However, such individuals shall not be granted tenure as coaches.
  - (2) A coach or Athletic Director is appointed for a term of service as specified in the letter of appointment to the coaching or Athletic Director position, and may be appointed to either full- or part-time positions.
  - (3) A coach or Athletic Director shall have all rights, privileges, responsibilities, and obligations as provided for in this code for faculty as defined in Section 1.01 unless otherwise restricted by the provisions of this code.
  - (4) Written notice by the president or his designee not to renew any coaching or Athletic Director appointment shall be given no later than three months prior to the expiration of the appointment.

## 2.17 Adjunct Appointments

- A. Academically qualified individuals who may be needed to assist with instructional, clinical or research programs, sometimes with nominal or no stipend, may be appointed by the Board of Trustees as adjunct faculty members with appropriate academic title (lecturer, professor, etc.) and the appropriate parenthetical descriptions (Instruction, Clinical, or Research). Each appointment is subject to the recommendation of a department or program, the appropriate dean, the vice president for academic affairs, and the president. Each adjunct appointment shall be for a specified period of time and may be renewed. These appointments should be directly related to the academic mission of the university and are not to be used as honorary titles nor to accommodate the interests of professional persons from outside the university. Such appointments are not intended to replace regular full-time or part-time faculty members. Adjuncts are not eligible for rank, tenure, or faculty privileges, except as given in Section 2.17 C.
- B. Adjuncts may be appointed to serve in the following ways:
- (1) Adjunct (Instruction) may be appointed to provide field supervision and consultation, and/or instruct classes where no regular instructional employee is available or possesses the necessary expertise or as emergency situations require.

- (2) Adjunct (Research) may be appointed to direct or engage in research under a grant from an outside agency and may receive a stipend from the university under the conditions of the grant.
  - (3) Adjunct (Clinical) may be appointed, if properly certified and in active clinical practice in the medical, dental or veterinary fields, in various academic programs where such expertise is needed.
- C. While appointments covered in this section (2.17) may carry no salary stipend and service does not apply toward tenure or promotion, the appointments do carry the following privileges:
- (1) Use of available university facilities, including library, as required for the adjunct's assignment.
  - (2) Faculty rates at athletic and other events.
  - (3) Employee benefits if and as stipulated in the individual adjunct's contractual agreement with the university.

#### 2.18 Senior Instructors

- A. Senior instructors may be appointed by the Board of Trustees upon recommendation of an academic department, the appropriate academic administrators and the president when in the judgment of the department such appointments are desirable to help the department meet lower division teaching loads.
- (1) Responsibilities. Effective teaching is the primary responsibility of individuals holding the rank of senior instructor, and this primary responsibility shall be weighted accordingly in performance evaluations. Senior instructors shall have teaching responsibilities specified by department chairmen and the school dean.
  - (2) Qualifications. In addition to the minimum qualifications for instructors, senior instructors must present evidence of outstanding teaching ability.
  - (3) Additional Provisions.
    - (a) The rank of senior instructor shall be a terminal rank (no limitation on the number of reappointments; does not lead to tenure or to promotion to the professorial ranks). Prospective appointees to this rank must be fully informed of its terminal nature.
    - (b) The salary of a senior instructor will be comparable to that of a regular instructor.



### 2.19 Part-Time Appointments

- A. A part-time appointment is one which clearly limits the contract duties of the individual with the university to less than a normal full-time assignment for the contract period. Part-time appointments are not in any way applicable to the computation of time of employment for tenure purposes.
- B. Part-time appointments are for specific assignments with payment set accordingly. Payment is for the classes taught or for the specific assignment according to Section 3.33. Part-time faculty who teach are not expected to assume the 20 percent non-teaching responsibility or be paid for it.

### 2.20 Graduate Degree Work by Faculty Members

- A. No member of the faculty as defined in Section 1.01 of this code with the rank of assistant professor or above will be admitted to candidacy for the Master's degree except AFROTC military faculty officially assigned to Central and faculty of the library pursuing a second Master's degree. Exceptions to this policy may be made by the vice president for academic affairs, if they are endorsed by the Faculty Senate Executive Committee, the appropriate deans and department chairmen, and the president.

### 2.21 Transcripts

- A. Faculty members must have official transcripts of all their graduate and undergraduate academic work on file in the office of the vice president for academic affairs.
- B. Candidates and appointees will be responsible for having official transcripts of all their undergraduate and graduate credits sent from the accredited institution(s) at which the work was taken.
- C. If a question arises concerning the transcript, prior academic work or accreditation of an institution, the burden of proof is the responsibility of the faculty member. Verification of the accuracy of the transcript entries is the responsibility of the faculty member, not the institution. Such records may not later be released to the individual or to other institutions. (see Section 2.22),

### 2.22 Reports of Service and Permanent Records

- A. Each faculty member should file a yearly record of his service to the institution and his professional activities with the appropriate chairman and dean as a part of his permanent record. These files are examined carefully when promotions and merit increases are considered, and are useful when candidates for special academic assignments are being sought.

- B. As of September 1, 1975, the contents of each faculty member's file will be available for his inspection at any time, with the exception of his original letters of recommendations. These letters are sent under the assumption that confidentiality will be observed. The university will not honor requests to send copies of personnel file transcripts or placement files to others, as this is the function of the institution providing the originals.

#### 2.23 Base Salary

- A. The base salary for original regular appointment shall be specifically agreed upon with the candidate and stated in the letter of appointment. This figure will reflect consideration of the candidate's qualifications, experience and related accomplishments. Ordinarily the initial salary will be in the lower levels of the salary range for the rank assigned. Every attempt will be made to maintain the relative salary advantage of persons already serving the university given equivalent qualifications.

#### 2.24 Contingency Contracts--Degrees, Certificates

- A. Persons who expect to receive degrees or certificates of accomplishment prior to or during the academic year of initial employment may be issued a contract carrying a base salary appropriate without the certificate or degree, with the provision for a higher base salary rate reflecting the degree or certificate beginning at the first of the month after the degree or certificate is awarded, as verified in writing by the issuing institution or agency. Such contingency contracts will be within the appropriate salary ranges.

#### 2.25 Step Increase for Completion of Terminal Degree

- A. For those who are not on contingency contracts a one-step salary increase will be awarded effective the first of the month following official notice of the completion of the appropriate terminal degree, provided that the faculty member is currently employed, and provided further that such step increase is limited to the current range for the faculty member's rank. Such increases may be made effective at the beginning of the next period of employment if the faculty member is not currently employed.

#### 2.27 Promotions in Rank

- A. The university benefits when faculty members individually and collectively increase in professional competence. The university, by whatever means possible, should encourage and assist each faculty member in his efforts to improve professionally. A promotion is one means of rewarding merit and encouraging professional improvement, and of reflecting the increased value of the faculty member to the university. The following criteria indicate important qualities or areas in which professional improvement and competence are evaluated:

- (1) Teaching effectiveness,
- (2) Scholarliness and productivity,
- (3) Special services to the university, or to students or to one's profession.

Substantiated evidence must be supplied for each of the above criteria.

- B. It is recognized that such evaluations, particularly of teaching effectiveness, are difficult to make. Nevertheless, the president of the university, the vice president for academic affairs, deans, department chairmen and promotion committees should demand reasonable evidence of effective teaching performance. The faculty member's performance should give evidence of the ability to lead students of varying capacities into a growing understanding of the tools and materials of the faculty member's profession. The faculty member's instructional materials, methods of presentation, and evaluation of students should reveal a continuing process of self-criticism and experimentation.
- C. A commitment to students is vital. The potential influence of the faculty member as a guide and counselor, as one who inspires students, extends beyond the classroom into every phase of the student's life as a member of the university community. The faculty member should be able to show that his interest in student guidance prompts him constantly to see ways to extend the range and depth of his contacts with his own and other students.
- D. Years of service must be considered but are not in and of themselves sufficient grounds for promotion.

#### 2.28 Promotion Schedule

- A. Recommendations on promotion should be completed and submitted to the vice president for academic affairs prior to April 15 of each year. Final recommendations should be made to the Board of Trustees at its regular May meeting. The effective date of such promotions is September 1 of the following academic year. The president may recommend to the Board of Trustees the promotion of any faculty member at any time; however, such action shall be taken only as the result of unusual circumstances and upon the recommendation of the department, the department chairman, the appropriate school dean and the vice president for academic affairs.

#### 2.30 Procedure for Determining Promotions

- A. Promotions in academic rank shall be determined annually, according to the following procedure:
  - (1) Promotion in rank will be made according to the criteria listed in this code. Primary responsibility for recommendations for promotion rests with the schools and units not attached to one of the schools such as the Library.

- (2) In January of each year the appropriate dean will prepare a list of all faculty in his school or area who appear eligible for promotion according to the provisions of this code.
- (3) It is the responsibility of faculty members to update each year their professional service records (Section 2.22). Each faculty member shall be entitled to submit a recommendation to his dean or director concerning candidates for promotion. Each faculty member who is a candidate for promotion may submit to the appropriate administrator information and materials in support of his candidacy. The Personnel Committee of the department or unit or the department or unit as a whole may prepare a priority list of recommendations for promotion for the dean or director. The department or section chairman shall submit an independent priority list of recommendations for promotion to the dean or director. The department or program chairman will inform qualified faculty members of his priority ranking of them, and of the priority ranking of the Personnel Committee whenever relevant, prior to the transmission of the list(s) to the appropriate administrator.

- (4) The dean or unit director will receive the statements of the candidates, the recommendations from individual faculty members, the Personnel Committee recommendations, and the recommendations of the department or section chairman.

The dean or unit director will meet with each department or section chairman and the Personnel Committee chairman (or other designated representative) to review each candidate for promotion. Each school or unit may establish a Personnel Committee to act in an advisory capacity to the school dean or unit director.

The school dean or unit director will prepare priority lists, by rank, of faculty members within the school or unit who are recommended for promotion. After the list has been prepared, the dean or director will review the list with each department or section chairman and representative. The final priority list prepared by the dean or director will show only one name for each priority position. The dean or director will notify each eligible faculty member in writing indicating what his priority ranking is and whether or not he is being recommended for promotion. This information shall remain in the personnel files only upon the written consent of the faculty member.

- (5) Ad hoc personnel committees shall be appointed as necessary to assist the vice president for academic affairs in judging faculty members who have dual assignments or assignments outside their respective departments or sections. Each ad hoc committee will consist of five (5) members of the faculty appointed by the vice president for academic affairs of whom two (2) shall be academic department chairmen. The committee shall make recommendations regarding promotion (and tenure, retention, and merit increases) for each assigned faculty member exactly as though it were their department. The ordinary administrative procedures regarding promotions shall be followed with respect to each ad hoc committee as though it were a department.

- (6) The vice president for academic affairs will receive the recommendations of the school deans and unit directors together with supporting materials. He will review the recommendations and consult individually with the deans or directors as necessary. Upon completion of his review, the vice president for academic affairs will submit a list, by rank, of his recommendations for promotions to the president of the university along with a proposed new rank distribution and a cost analysis. He will notify the faculty members who he is including on his list and those who are not being recommended. The president will review these recommendations with the vice president for academic affairs and the individual school deans and unit directors, as necessary, and will submit final recommendations for promotion to the Board of Trustees for their action.

### 2.33 Departmental Criteria for Promotions, Tenure, Salaries and Reappointments

- A. Academic departments may wish to use criteria for promotion, tenure, salary and reappointment considerations that vary slightly from the provisions of this code but fit more exactly the needs of specific disciplines. Such criteria may be proposed by departments for approval by the Faculty Senate, the appropriate dean, the vice president for academic affairs, and the president. All such criteria must supplement and support the provisions of this code. Upon approval the criteria will be observed by those who recommend promotions.

### 2.35 Explanation of Non-Promotion

- A. A faculty member who has served eight (8) years in the same rank at Central Washington University without receiving promotion may request and shall receive a written statement from the vice president for academic affairs giving the reasons why he has not been promoted.

### 2.36 Merit

#### A. Criteria for Consideration for Merit

Any faculty member who is to be considered for merit must first be known as an effective teacher and must "perform adequately necessary and routine departmental, school, and/or university chores; e.g., advising, registration duties, meeting representation, committees as assigned." If a faculty member meets this test, then he or she may be considered for merit.

#### B. Procedures for Merit Recommendation

Each faculty member is responsible for preparing his or her own Professional Record for submission for consideration for a merit increase. While a faculty member is free to submit such material in the Professional Record as he or she deems pertinent, consideration for merit should and will be focused on accomplishments achieved since a faculty member's last promotion or merit award.



This Professional Record, along with such other documentation as is pertinent to the case, is to be submitted to the appropriate Chairperson and/or Departmental Personnel Committee by the established deadline date for a given year. (See Academic Calendar for submission dates.) Should a department not have a Personnel Committee, the chairperson may submit his or her Professional Record directly to the appropriate Dean.

At each level--department, Dean, Vice President for Academic Affairs and President--all material submitted for consideration shall be reviewed regardless of whether the faculty member has been recommended or not.

After departmental review, the list of those recommended for merit will be transmitted to the Dean. The folders of those faculty members who are not being recommended will be transmitted without comment.

The Dean, after consultation with department chairpersons or program directors, shall submit his or her recommendations in priority sequence by unit (college, school or library) to the Vice President for Academic Affairs. The folders of those not being recommended shall be submitted without comment.

The Vice President for Academic Affairs will prepare a final priority list for the University for submission to the President after consulting with the appropriate Deans. The folders of those not being recommended shall be transmitted without comment.

After appropriate consultation with the Academic Vice President and the Deans, the President will present a final list of recommendations for merit to the Board of Trustees with a brief statement of the reasons for the recommendation.

All material submitted for merit consideration shall be available to the Board of Trustees for their examination if they so wish, regardless of whether the faculty member has been recommended or not.

The reasons for granting merit will be made public to exemplify what is valued by the University.

Departments, Deans and the Vice President for Academic Affairs shall observe the deadlines for submission of merit recommendations posted in the Academic Calendar.

## 2.37 General Obligations of Teaching Faculty Members

- A. The university expects teaching faculty members at all times to observe those policies and practices which are considered standard professional obligations. These include, but are not confined to, meeting all classes as scheduled; assisting at registration of students; reporting final grades at the designated time; advising students;



attending Commencement exercises when required; and posting and honoring of an adequate number of office hours, to be registered with the department chairman. Cancellation of any "day of instruction" must be approved by department chairmen.

## 2.38 Faculty Load--Instructional Faculty Members

- A. Central Washington University seeks to maintain teaching loads averaging twelve (12) contact hours. This is to allow more time for the faculty to produce research, or works of scholarship or artistic merit and to prepare for more advanced classes. The load assignment policies listed below are geared to this assumption and the understanding that faculty members with primarily instructional responsibilities normally engage in a variety of professional activities in connection with the performance of their duties at the university.
- B. In order to help reconcile the various demands on the faculty member's time--demands such as writing or research or study, class preparation, grading, counseling and advising, committee work, teaching and other professional activities--and in order to facilitate the kind of professional achievement contemplated in this Faculty Code, the following principles shall be observed in the assigned load portion of a faculty member's responsibilities:

### (1) Teaching load (normally 80 percent of total load assigned)

- (a) Recognizing that the teaching load will vary among the faculty and among different disciplines and subjects, exclusive of individual study, the average teaching for the entire faculty for the academic year shall be twelve (12) contact hours per week, exclusive of continuing education, or its equivalent as determined by the vice president for academic affairs, according to this formula: Contact-hour factors shall be used in determining and describing faculty teaching loads. The average yearly load in departments should be 12 contact hours. The maximum load for any faculty member shall not exceed 18 contact hours in any one quarter.

Determination of contact-hour loads shall follow the guidelines:

- (i) Lecture/demonstration classes (actual class hours--1 class hour = 1 contact hour)
- (ii) Laboratories/activities classes (2 class hours =  $1\frac{1}{2}$  contact hours--1 class hour =  $\frac{3}{4}$  contact hour)
- (e.g., 3 hr/week lab =  $2\frac{1}{4}$  contact hours  
2 hr/week lab =  $1\frac{1}{2}$  contact hours  
2 hr/week activity class =  $1\frac{1}{2}$  contact hours)
- (iii) Student-teaching/field-experience supervision

- (aa) Part-time campus supervisor--1 contact hour =  $1\frac{1}{4}$  full-time students
- (bb) Field supervisor--1 contact hour =  $1\frac{1}{4}$  full-time students
- (iv) Individual study supervision (all courses titled thesis (or equivalent), and individual study (296, 496, 596)) Undergraduate--8 student credit hours = 1 contact hour 500 level--6 student credit hours = 1 contact hour 600-700 level--3 student credit hours = 1 contact hour.

Other types of instructional activities--contact hour equivalencies are arranged by agreement between the chairman, dean, and academic vice president.

Non-instructional assignments--contact hour equivalencies are agreed upon by chairman, dean and vice president for academic affairs.

- (b) The maximum teaching load of eighteen contact hours per week includes continuing education credits which are subject to additional remuneration. This limit may be waived by academic deans for special cases.
- (c) The teaching load of any particular faculty member may vary from the average teaching load from one quarter to another by being adjusted by the department chairman and dean to permit involvement in graduate thesis supervision, research, other instructional responsibilities or in special assignments; such load variations are approved only on a quarter to quarter basis.
- (d) The faculty member is expected to maintain office hours, pursue the development of his profession, and accept a reasonable nonteaching load (20 percent of total load assignment), such as student advisement and university committee work.
- (e) Faculty members who advise students and participate on committees far in excess of reasonable levels may be granted load reductions on a quarter to quarter basis.
- (f) Faculty members should not be expected to have more students in any class than reasonably expected under guidelines for class size published by the vice president for academic affairs.
- (g) If, under unusual scheduling conditions, a large class must be taught or a department or faculty member seeks to teach a large class, appropriate adjustments should be made to assist the instructor such as teaching assistance, clerical help and supplies.

- (h) With the exception of the president, the vice president for academic affairs, and the academic deans, the faculty defined in Sections 1.01 A (2) and 1.01 A (3) are ineligible for campus and off-campus teaching except as approved by the vice president for academic affairs who shall consult with the appropriate department and administrators if the faculty member does not report to him.
- (2) Nonteaching load (normally 20 percent of total load assignment)
- (a) Committee assignments shall be made by the vice president for academic affairs in consultation with the school deans and the Faculty Senate Executive Committee with a view to providing even distribution of duties and fair representation of the faculty. Normally faculty members shall not be asked to serve on more than one university standing committee, or none when the faculty member is a faculty senator, which is regarded as a major responsibility. This limitation applies to administrative officers and department chairmen.
  - (b) Student advisement is considered an important part of each faculty member's nonteaching load.
  - (c) Special assignments, such as advisorships of student organizations or publications, and other activities of a special nature demanding on a faculty member's time shall be limited in terms of difficulty of assignment and distributed as evenly as possible among the faculty.
- (3) With the exception of faculty members whose specialized duties conventionally require assignments outside normal working hours, days and duty stations, Saturday and evening assignments and off-campus assignments as a part of the regular teaching load are subject to mutual agreement by the department chairman and the faculty member involved. If such agreement cannot be reached, either party may appeal to the Dean of the appropriate School or College for decision.
- (4) Any preferential assignment schedule arranged by a faculty member by or with the consent of the department chairman and academic dean may be superseded by bona fide needs of the university when space or time limitations necessitate a change.
- (5) Appointment to full- or part-time faculty positions presupposes that the faculty member will fully meet the professional responsibilities of his university assignment and that work essentially related to those responsibilities will receive his primary attention and energies. Remunerative employment not connected with the university must be in accordance with the policies outlined in this code (Section 2.40).

### 2.39 Other Faculty Loads

- A. Faculty members as defined in Section 1.01, and especially those defined in Sections 1.01 A (2) and 1.01 A (3), whose responsibilities do not correspond with those outlined in Section 2.38, shall have their load assignments determined on a quarter to quarter or 12 month basis by the appropriate administrator or the academic vice president, as long as such assignments are in keeping with the provisions of this code.

### 2.40 Consulting and Outside Work

- A. Private professional consulting and outside work by members of the faculty and professional staff is encouraged for the following purposes:
  - (1) To maintain and develop the professional competence of faculty members as professional practitioners.
  - (2) To make available to the state-at-large professional services which the university and its personnel are especially well qualified to perform.
- B. Consulting and other outside work of a professional nature, including teaching, not a part of the official duties of members of the faculty at Central, shall require approval in advance by the appropriate dean and the vice president for academic affairs on recommendation of the appropriate department chairman, if such consulting and outside work will interfere with the performance of the individual's assigned duties (meeting classes as scheduled, etc.).
- C. With approval of the outside work, faculty members may be absent from the campus for specified periods of time without reduction in salary for the purpose of undertaking such outside professional work, provided that other faculty members assume their teaching loads without additional university compensation or other arrangements are made and approved by the department chairman that assure that during such absences the objectives of their classes are being achieved.
- D. In considering private consulting activity faculty members shall be concerned that the activity be compatible with their professional capacity and accepted on the basis of its noninterference with their institutional responsibilities. Faculty members shall be guided by the following:
  - (1) No engagement shall be accepted which will knowingly create a conflict of interest or be contrary to the faculty member's responsibilities at the university.
  - (2) Professional consulting services which are performed as a part of the faculty or staff member's regularly assigned duties shall not be subject to special consulting charges by the individual consultant.

- (3) In all private consulting engagements the client shall be informed that the individual is acting as a private consultant, that the university is in no way party to the contract, nor liable, nor responsible for the performance thereof.
- (4) Faculty shall not use official university stationery, secretarial services, equipment, materials and support facilities including mail and telephone, for outside private work. However, a faculty member may use his own business stationery or letter-head carrying his university title and he may use his official title in correspondence and reports pertaining to outside work. If space, equipment, and other facilities of the university must be used in consulting, they shall be subject to conditions of an agreement between the consultant and the university with respect to direct costs incurred, liability for personal injury, damages and/or repair to equipment; however, it is understood that regular departmental activities take precedence over such consulting use.

#### 2.43 Absence from Class or Campus

- A. All faculty absences on class days due to illness or other reasons shall be reported as soon as possible to the department chairman and arrangements shall be made for classes to be met or for course objectives to be met in other ways. Any serious illness should be reported to the appropriate dean.
- B. When possible, faculty members shall arrange, through their department chairman, for a qualified substitute when they are absent from class. The faculty member shall inform the department office where he may be reached when he is away from campus.
- C. A faculty member who must be absent for personal or professional reasons for a period of time involving work days shall obtain approval of his school dean through his department chairman. Leave arrangements may be made for extended absences requiring replacement during the time of absence.

#### 2.44 Faculty Travel

- A. Faculty who plan to travel must submit a "Request for Approval of Travel and Report of Planned Absence From Campus", signed by the department chairman or administrator responsible for the budget charged. This is to assure that funds are available for travel, that instructional and/or other official responsibilities are being met, and that travel on official business of the university is properly authorized.

#### 2.45 Salary Requests

- A. In order to attract and retain competent, qualified professional personnel, each biennium Central Washington University will request from the Governor and the State Legislature sufficient funds to allow the university to:

- (1) meet or surpass the average salaries of all institutions in the states approved by the State Legislature for comparison purposes;
- (2) increase average total salaries annually in an amount at least equal to the average increase provided in all institutions in the comparable states;
- (3) make promotions and merit awards and correct salary inequities.

#### 2.47 Yearly Salary Adjustments

- A. The salary of a faculty member may be changed as a result of any one or a combination of four (4) types of actions. Subject to the availability of funds during any biennium and to the mandates of the State Legislature and/or the Governor, the following descending order of priority for the four (4) types of actions shall be observed as yearly salary increases are considered, provided that up to ten (10) percent of all available funds may be designated by the Board of Trustees in any year for merit increases:
- (1) Promotions in rank, provided that a faculty member promoted during any given biennium shall receive at least the current minimum salary for his new rank and a salary increase of one (1) step on the salary scale; provided further that if the person's promotion comes at a time of a scale adjustment, he shall benefit from the scale adjustment; and provided further that the faculty member shall not be eligible for both a promotion increase (one step) and a regular step increase (one step).
  - (2) A scale adjustment, which for the purposes of this section is defined as a specific sum or percentage which is added to the salary scale according to rank needs. The increases shall be awarded on September 1 of each year.
  - (3) A step increase on the adjusted salary scale, amounting to at least three percent for each faculty member, provided that the faculty member is eligible (is not currently at the top of his rank).
  - (4) Merit increases may be given in any step amount to faculty members to reward them for outstanding service to the university. Such merit increases, which are permanent, are separate from special salary awards or adjustments identified elsewhere in this code, such as in Sections 2.16 and 2.48.

#### 2.48 Correcting Salary Inequities

- A. A salary adjustment may be given to correct a salary inequity. Such salary adjustments are permanent.

#### 2.50 Salary Policies for Miscellaneous Appointments

- A. Specific salary policies relating to a variety of appointments or types of appointments are as follows:



- (1) The salaries of principal administrative officers included in Section 1.01 of the Faculty Code, shall be recommended to the Board of Trustees by the president of the university and shall be established in relationship to salaries in comparable states.
- (2) Salaries of faculty members on the faculty salary scale who are not academic department chairmen or classified as principal administrators and who are on twelve (12) month appointments and entitled to twenty-two (22) working days vacation (Section 2.125) shall have 2/9th's of the academic year salary added as their twelve (12) month salaries are computed, provided that up to 3/9th's of the academic year's salary may be added if surveys of similar positions in higher education of comparable states justify higher salaries.
- (3) The salary of a department chairman shall correspond with his academic rank, provided that in consideration of his duties as a chairman, he shall be given a reduced teaching load and may receive a higher salary while he serves as department chairman. Should he receive a higher salary as chairman, when he returns to regular teaching his salary shall be adjusted downward accordingly.
- (4) If a faculty member has taught the preceding academic year, his salary for a full time summer session appointment shall be 2/9th's of his salary for the immediately preceding academic year, and shall be pro-rated for a summer session appointment with less than full time responsibilities, provided that the same concepts shall apply for computing salaries for appointments of department chairmen to 12-month appointments.
- (5) The salary for an appointment for the interim period between the end of the full summer session and the beginning of the new academic year shall be not more than 1/9th of the salary for such faculty member for the immediately preceding academic year, provided that such interim appointments shall be made in lieu of an appointment for one (1) term or one-half ( $\frac{1}{2}$ ) of the summer session.
- (6) The salary of a new faculty member with an original appointment with academic rank may be set at any point on the salary scale for the rank to which he is appointed, but those who recommend such salaries shall consider Section 2.23 of this code.
- (7) The salary of a teaching associate in the Washington Center for Early Childhood Education may be set according to comparable salaries in the local public schools (see Section 2.14).
- (8) Salaries for faculty members with special appointments clearly and specifically limited to a brief association with the university may be established at any appropriate level on the salary scale.

- (9) In cases of separation from the university payroll before the completion of any contract period, or for personal leaves, the state policy of prorating earned income on a daily basis will be followed. Working days are considered to be the total of all instructional, registration and final examination days, for teaching faculty and department chairman (section 1.04).

#### 2.55 Date of Salary Payments

- A. Salaries for the academic year are paid in ten (10) installments on the last working day of the month beginning in September. Summer session salaries are paid on the last working day of July and August. Other arrangements may be made in special situations for summer session faculty, for persons terminating their appointments with the university and for faculty who are on special appointments.

#### 2.60 Basic Salary Policy

- A. For the purpose of maintaining an equitable balance in salaries assigned to the various academic ranks and to establish the salary scale for each biennium, the following steps shall be taken at the beginning of each biennial period:
  - (1) The Faculty Senate shall submit to the president of the university and the Board of Trustees its recommendations regarding salaries for the various academic ranks for the ensuing year beginning September 1.
  - (2) Such submission should be before February 1 of each year.
  - (3) The Board of Trustees shall take into consideration the budgetary limitations imposed upon the institution by the State Legislature for salary expenditures.
  - (4) The Board of Trustees of the university shall adopt a basic salary policy and make it known at a meeting of the board at the earliest possible time prior to June 1, provided that a contingency policy may be approved if the State Legislature remains in session during this period.

#### 2.65 Professional Leave--Purposes

- A. Professional leave is intended to provide for the intellectual and physical renewal of faculty members and to stimulate improvement in professional and general competence, in order that they may better serve the university. Professional leave may be granted for any of the following purposes:
  - (1) study, research and/or creative work;
  - (2) travel with a definite academic or cultural purpose of value to the university;
  - (3) advanced academic studies.

## 2.70 Professional Leave--Eligibility

- A. Faculty members as defined in Section 1.01 who have been employed by the university for six (6) calendar years and have served eighteen (18) full-time quarters during that time and faculty members who have been employed by the university for six (6) calendar years and have served eighteen (18) full time quarters since their last professional leave, and who expect to serve at least three (3) additional academic years at the university before retirement, shall be eligible for professional leave. For these purposes, any full quarter may be counted as well as a full summer session, and a full summer session may be defined as one (1) term in summer and the interim period prior to fall quarter (Section 2.50 A (5)). One (1) term of summer session shall be counted as one-half ( $\frac{1}{2}$ ) of a full quarter.

## 2.75 Professional Leave--Special Conditions

- A. The following special conditions or provisions shall relate to professional leaves:
- (1) The awarding of professional leaves is dependent upon internal academic decisions involving class scheduling, replacement personnel and budgetary constraints.
  - (2) Replacements for persons on professional leave should ordinarily take place within existing faculty.
  - (3) A range of 1.0 to 3.5 percent of the budgeted full-time equivalent faculty members as defined in Section 1.01, shall be observed in awarding professional leave.
  - (4) Professional leaves shall not be given automatically.
  - (5) While a professional leave may be granted for one (1), two (2) or three (3) quarters, the leave must normally be taken in consecutive quarters of the same academic year.
  - (6) Applicants for professional leave are encouraged to apply for outside funds; however, the acceptance of a supplemental grant, fellowship or employment should not carry with it duties or obligations which hinder the pursuit of the purposes for which the professional leave was granted.

The decision as to the acceptability of a particular proposal will not be based on whether additional remuneration may be received, but rather on the ability of the faculty member to enhance his value to the university. Teaching part-time elsewhere, as well as working in research laboratories of industry or government, may be appropriate if such activities can be expected to contribute significantly to the acquisition of useful ideas and practices. In no case should leave be approved

primarily for the purpose of augmenting the individual's income. The benefit to the university must be foremost in the consideration leading to the approval of the application.

- (7) The sum of the salary during the professional leave, together with remuneration for any other services, grants, scholarships, etc., received during professional leave, shall not exceed 135 percent of the salary the faculty member on leave could have expected to receive had he not taken professional leave; unless approved by the Board of Trustees. This is to help insure that the intent of the professional leave is honored.
- (8) Upon a faculty member's return from professional leave, the university shall provide an appointment in the same department as that with which the faculty member was associated prior to going on professional leave, unless the faculty member and the university agree to a change in assignment.
- (9) The grant of any professional leave shall be contingent upon a signed contractual agreement between the university and the faculty member providing that the faculty member shall return to the university following his completion of such leave and shall serve in a professional status for a period equal to the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the faculty member to repay the university any remuneration received from the university during the leave.
- (10) All scale adjustments to salaries granted during the period the faculty member is on professional leave shall be applied to his salary upon his return, and if eligible, he shall benefit from step increases in salary.
- (11) The year on professional leave shall be counted as a year of service to the university, with seniority and retirement rights retained and insurance and other similar benefits continued.
- (12) Professional leave, when once granted by the university, is for a specific purpose, and any changes in plans must be reevaluated by those who approve the leave.

#### 2.80 Professional Leave Committee--Powers and Duties

- A. The Professional Leave Committee, constituted of tenured, full-time faculty members, is selected by the vice president for academic affairs in consultation with the academic deans and the Faculty Senate Executive Committee. The Professional Leave Committee shall have the following duties:
  - (1) select its own chairman;
  - (2) invite applications for professional leaves, securing the information required from applicants and departments to meet the special conditions outlined in this code;

- (3) to evaluate applications and decide upon the eligibility of candidates; evaluating plans according to their value to the institution based on the following and other criteria outlined in this code:
  - (a) Value of project or plan in relationship to the applicant's professional responsibilities at the university;
  - (b) Ability of applicant to achieve goals of his project or plan as based on past experience and academic background;
  - (c) Need for new or additional knowledge in subject field to be studied;
  - (d) Quality of replacement personnel designated to take the responsibilities of the applicant;
  - (e) Evidence of support (in the form of recommendations and/or financial) from other institutions, foundations, or persons concerned with the proposed plan or project.
- (4) to place acceptable applications from eligible candidates in a priority order, with consideration being given to the funds available;
- (5) to report and recommend action to the vice president for academic affairs;
- (6) to reconsider changes in plans of successful applicants.

#### 2.85 Application for Professional Leave

- A. A formal letter of application from a candidate for professional leave shall be filed with the department chairman or principal administrator for those not assigned in a department, the vice president for academic affairs and the appropriate dean, on or before November 1 of the fall quarter preceding the academic year in which the candidate desires such leave. Besides providing assurance of compliance to the special conditions outlined in this code regarding professional leave, the application letter shall include the following:
  - (1) General information including name, department, rank, date of initial service with the university, terms of leave desired, dates of previous professional leaves, and percent of salary to be awarded.
  - (2) A detailed statement of the applicant's plans for utilizing the time requested. This statement should include such information as the time sequence for completion of any project or plan and why the applicant feels his plan would enhance the value of his service to the university.

- (3) A list of foundations, institutions, or other organizations with which the applicant will be affiliated during the professional leave.
  - (4) A complete listing of grants and stipends other than those granted by the institution which will be available to the applicant during the time of professional leave.
  - (5) If travel is included in the professional leave, the need must be justified in terms of the proposed project or plan for study.
  - (6) Background information concerning the applicant's previous professional or scholarly work, especially in the area of the proposed plan.
  - (7) A copy of the applicant's bibliography of publications or other exhibits should be attached to the application when appropriate.
  - (8) Supporting letters from faculty members or other appropriate individuals not necessarily associated with the institution may also be submitted if the applicant so desires.
  - (9) A statement regarding the value of the applicant's project in terms of benefit to the institution upon return from professional leave.
- B. If the department chairman or principal administrator can verify that the faculty member can be released and that the granting of leave can be substantially accommodated within existing staff, he shall do so in writing to the Professional Leave Committee as he transfers the faculty member's request to the committee. Individual faculty members in the department may agree to overloads, however, to make the leave possible. No application shall be considered by the committee that is not first endorsed by the department chairman, principal administrator and dean.

#### 2.90 Professional Leave--Reports

- A. A written summary report of the use of the professional leave shall be submitted by the faculty member, in duplicate, to the Professional Leave Committee within two months after the faculty member's return to the university. One of the copies shall be forwarded by the committee to the vice president for academic affairs. The report must summarize the work completed and how the experience and the new knowledge will be utilized by the person in his assignment at Central.

#### 2.95 Professional Leave--Salary and Administration

- A. Final recommendations regarding candidates for professional leave made by the Professional Leave Committee to the vice president for academic affairs shall be presented to the president of the university and the



Board of Trustees for final approval. Faculty members given professional leave shall receive 75% of the regular salary they would receive if they remained engaged in their usual duties.

- B. Salaries of faculty members on professional leave will be adjusted according to when step and/or scale adjustments are made in the salary schedule during their absence.

## 2.97 Retraining Leave

- A. Retraining leave provides assistance to those faculty desiring to retrain to benefit the university. The university expects the faculty member to request retraining leave for the specific purpose of improving his service to Central Washington University by beginning or continuing a program of retraining in an academic area differing from his specialty at the university where the need for additional personnel is clearly demonstrated.
- B. The Board of Trustees may award a retraining leave to any faculty member defined in Section 2.05 A of this code.
- C. The retraining leave program will not limit the eligibility of the faculty member for professional leave as outlined in this code except that retraining leave will not count as part of the eighteen (18) full time quarters required before professional leave is granted.
- D. Only faculty members who expect to serve the university for at least five (5) years before retirement shall be eligible for retraining leave.
- E. Other conditions relating to retraining leave are as follows:
  - (1) Leave may be authorized for up to three (3) academic quarters providing salary and benefits as determined by the Board of Trustees.
  - (2) Procedures for applying for such retraining leave during each biennium will be developed and made available to the faculty by the vice president for academic affairs.
    - (a) The vice president for academic affairs shall determine the way applications are evaluated, provided the applications shall be approved by the appropriate department chairmen and deans and Faculty Senate committee.
    - (b) Recommendations for the award of retraining leaves shall be made to the president and the Board of Trustees by the vice president for academic affairs.
    - (c) Retraining leave shall be authorized by the Board of Trustees in accordance with the provisions of R.C.W. 28 B.10.650.
- F. The grant of any such retraining leave shall be contingent upon a signed contractual agreement between the university and the faculty member providing that the faculty member shall return to the university following his completion of such leave and serve in a professional status for a period equal to the amount of leave so granted. Failure to comply

with the provisions of such signed agreement shall constitute an obligation of the faculty member to repay to the university any remuneration received from the university during the leave.

2.100 Disability Leave--Definition

- A. Disability leave as provided in this code is leave which entitles eligible faculty members to the benefits of salary, according to a prescribed schedule, and to retention of status as faculty members, for prescribed lengths of time, for both short-term and long-term disabilities. For these purposes, a disability shall be defined to include any temporary incapacity to perform regular duties as a result of an accident, physical or mental illness or pregnancy.

2.105 Disability Leave--Eligibility

- A. All faculty members as defined in Section 1.01 of the Faculty Code shall be eligible to receive disability leave, subject to the following limitations and exceptions:
- (1) For the first year of employment disability of an employee caused by a diagnosed physical condition existing prior to employment may at the discretion of the university Board of Trustees, cancel entitlement to benefits as provided herein and subject the employee to repayment of any benefits paid.
  - (2) faculty members with appointments for one (1) academic year or less (e.g., visiting faculty members or "term appointments") and faculty members with less than full-time appointments (e.g., half-time) are not eligible to receive disability leave benefits.
  - (3) Faculty members generally shall be eligible for disability leave only when they are on the payroll or would have been on the payroll but for the disability, and faculty members who incur a disability during a time when they are temporarily off the payroll shall begin to receive benefits from the time when they would have been placed again on the payroll.
  - (4) Disability leave shall be given for each separate case of disability as required for recovery to resume normal duties up to the maximum amounts available, provided that disability leave benefits as indicated in this Faculty Code shall be guaranteed as a minimum for each separate case of disability.
  - (5) The university shall have the prerogative, at its expense, of requiring verification of disability by one or more licensed physicians it chooses at any time. Failure to submit to an examination or examinations shall result in the cessation of disability benefits within fifteen (15) days of the issuance of the institution's request for verification.
  - (6) The faculty member is required to provide verification at his expense, by one or more licensed physicians for all disability leaves extending beyond one (1) calendar month.

Failure to provide such verification shall result in the immediate cessation of disability leave after the first thirty (30) days of disability leave.

2.110 Short-Term Disability Leave--Benefits

A. Short-term disability leave benefits shall be as follows:

- (1) For faculty members with tenure and teaching associates and ranked administrators who have completed four years (48 months) of service at Central:
  - (a) first four (4) calendar months with retention of full employment status and with full regular monthly salary payments;
  - (b) the next six (6) calendar months with retention of full employment status and with one-half ( $\frac{1}{2}$ ) of the full regular monthly salary payments;
  - (c) the next nine (9) calendar months with retention of full employment status and no salary.
- (2) For faculty members on probationary appointments, teaching associates and ranked administrators who have completed less than four years (48 months) of service at Central, the retention of full employment status extends only to the expiration of the term of appointment unless extended by the Board of Trustees. Benefits do not extend to faculty members defined in Section 2.105 A (2). The salary benefits:
  - (a) first four (4) calendar months with full regular monthly salary payments;
  - (b) the next six (6) calendar months with one-half of the full regular monthly salary payments.

2.115 Long-Term Disability Leave--Benefits

- A. Long-term disability leave with salary and/or retention of status beyond the periods prescribed for short-term disability leave in Section 2.110 of the Faculty Code may be granted at the discretion of the Board of Trustees, subject to such conditions as the board may determine.

2.120 Disability Leave--Special Conditions

A. The following special conditions shall relate to disability leave:

- (1) Disability leave benefits shall begin effective the date on which the individual was disabled, if the individual was on the payroll;
- (2) The faculty member on disability leave shall take the full time reasonably required for recovery;

- (3) The university has the option to cancel the disabled faculty member's courses;
- (4) The university may provide for adequate and properly compensated substitutes from outside the university or the department to take the place of the disabled faculty member during his leave. When the providing of a substitute from outside the university or the department is not possible, colleagues may assume the work load gratis up to a period of ten (10) working days. After this, the university shall, when funds permit, compensate colleagues who agree to carry the load.

2.122 Funeral Leave

- A. Faculty members who are on leave for funerals should be assisted by the department chairman or immediate supervisor. The department chairman will attempt to arrange coverage of the faculty member's assignments. Faculty members may take at least ten (10) working days off with pay for funerals in their immediate families (husband, wife, children, mother, father, mother-in-law, father-in-law, sister or brother). With the approval of his department chairman, an employee may take off the required time with pay to attend other funerals.

2.123 Leaves of Absence Without Pay

- A. Leaves of absence without pay may be granted by the Board of Trustees. Such leaves shall not generally be granted to faculty members unless they have been on active, full-time service with the university for at least three (3) academic years.
- B. An individual desiring leave without pay shall submit a request in writing to his department chairman, specifying the purpose and location of the leave and the proposed dates of absence. Faculty members are encouraged to make such requests at least six (6) months before the start of the proposed absence to allow the university time to adjust schedules and/or hire a replacement. The chairman may forward the request with his own recommendation to the vice president for academic affairs who may recommend it to the president of the university and the Board of Trustees. A primary concern for the instructional program will govern decisions concerning such requests.
- C. The terms of the leave of absence shall be set forth in writing. Staff benefits (medical and life insurance, etc.), if continued during the leave of absence, will be paid by the individual faculty member. The leave will not affect unfavorably the tenure of a faculty member, except that the time spent on such leave will not count as probationary service unless otherwise agreed to in writing.
- D. Providing employment has not been terminated during the period of leave, according to the provisions of this code, an individual completing such leave shall return to the same employment status that he occupied at the commencement of his leave, unless he agrees to another assignment.

- E. A request for renewal of a leave of absence may be granted by the Board of Trustees if it is approved by the vice president for academic affairs and the president after review and approval by the department chairman and the dean. If possible, a request for a renewal of leave should be made at least six (6) months in advance of the proposed absence.
- F. Granting of a leave of absence to an employee for any purpose does not constitute or imply, on the part of the university, any greater obligation to resume or continue his employment than had the employee not been granted leave.
- G. Leaves of absence without pay may be granted at the faculty member's request if the faculty member is nominated for a state or national office, or if he is elected to same.

2.125 Annual Leave--Twelve Month Appointments

- A. Faculty on twelve (12) month appointments, unless contracted otherwise, earn annual leave at the rate of twenty-two (22) working days per year. The leave is computed on the year beginning September 1 and ending August 31. The leave may be taken at any time up to the following December 31 when all leave from the previous year normally expires.
- B. The annual leave policy for administrators and personnel on twelve (12) month appointments, printed in the Central Washington University Policies and Procedures Manual, normally applies in these cases.
- C. A faculty member on a twelve (12) month appointment may request that vacation time not to exceed twenty-two (22) working days be deferred for one (1) year. The objective must be leave that is of substantial advantage to the university. Satisfactory arrangements must be made to handle the duties of the faculty member in his absence without great additional expense to the university. Application must be made before October 1 following the period of time in which the leave was earned.

2.127 Retirement

- A. Faculty members shall be automatically retired from permanent full-time university employment as of August 31 following the birthday on which the age of seventy (70) is reached.
- B. The President and Board of Trustees of the university may invite any faculty member to continue service with the university after their retirement on a year-to-year basis upon recommendation of the department or program members and the appropriate university administrators.
- C. Retirement is governed by the "Central Washington University Faculty and Civil Service-Exempt Retirement Rules and Regulations" published in the Central Washington University Policies and Procedures Manual. Early retirement is possible under the provisions of these rules and regulations.

2.130 Professor Emeritus Appointments

- A. Faculty members who are retiring from the university may be retired with the emeritus rank of Professor. The emeritus title is recommended by departmental action for a faculty member whose teaching, scholarly and service record is meritorious. The normal criteria for appointment to the emeritus faculty are ten (10) years of full-time service as a member of the teaching faculty and retirement from one of the four (4) ranks listed in Section 2.05. However, the Board of Trustees may grant emeritus status to any faculty member as defined in Section 1.01.

The eligibility for emeritus appointments includes these provisions:

- (1) The ten (10) year service requirement may be fulfilled by non-contiguous periods of employment.
  - (2) Faculty members accrue service credit during professional leaves but not during leaves of absence without pay.
- B. The emeritus rank provides listing of names of members in the university catalog, use of the library and other university facilities and participation in academic, social and other faculty and university functions. In addition, emeritus faculty:
- (1) shall be issued staff cards and parking permits each year without charge;
  - (2) shall have full library privileges without charge;
  - (3) shall receive university publications without charge;
  - (4) shall be eligible to teach part-time (by academic year or by quarter) in the regular university academic program, or accept part-time administrative appointments, by year or by academic quarter;
  - (5) shall be eligible to teach continuing education classes;
  - (6) may use university vehicles for approved travel, if they are employed part-time by the university;
  - (7) shall qualify for faculty rates at athletic and other events;
  - (8) may be assigned an office, if space permits;
  - (9) may have clerical support, if budget permits;
  - (10) may serve on any committees dealing substantially with retirement or emeriti faculty.





S E C T I O N 300-399

CONDITION AND TERMS OF APPOINTMENTS; TENURE; DISMISSAL; GRIEVANCES; ACADEMIC FREEDOM

3.00 Appointment of Faculty Members

- A. All appointments shall observe the university's Affirmative Action Policy, be governed by professional considerations, and be based on merit, not political or other nonprofessional considerations. Unless otherwise specified, all faculty appointments are for the academic year as defined in Section 1.03.
- B. Although shared at certain stages with faculty, the ultimate responsibility for making recommendations to the Board of Trustees for the employment of faculty members rests with the vice president for academic affairs and the president of the university. They shall work closely with academic administrators and faculty members concerned in determining desirable qualities which should be possessed by new appointees. The scholastic record and/or other qualifications of the prospective appointee to the faculty shall be judged primarily in the light of the work he will do at this university.
- C. It is the responsibility of the prospective faculty member to furnish the vice president for academic affairs with transcripts, credentials, and proof of experience as requested. In case of question, the burden of proof satisfactory to the academic vice president concerning the validity of such documents lies with the prospective faculty member, not the university.

3.03 Selection of Department Chairmen

- A. Each department holds an election to select its chairman at a meeting presided over by the appropriate dean. All department members shall be given appropriate and reasonable notice of the meeting date. Every reasonable effort should be made to include by proxy vote or absentee ballot department members who are in off-campus positions or on leave. The election is by a majority vote of those faculty voting at such a meeting along with a tabulation of proxy and absentee ballots, if any exist (see Section 1.05; eligibility to vote). The election of a chairman is subject to the approval of the dean, the vice president for academic affairs, the president and ultimately the Board of Trustees. Service is for four (4) years. Chairmen may be re-elected. If a new chairman is to be elected, candidates may be solicited both from within and without the university. The administration may remove a chairman at any time following consultation with the chairman and the department. Such dismissal may be for disability, incompetence, negligence, or equivalent causes, if in the judgment of the administration the best interest of the department or the university requires such a change. A simple majority of the faculty within

a department may petition in writing to the appropriate dean for a review of the chairman's effectiveness at any time. When a chairman is to be absent from the campus for an academic quarter or more, the department shall elect an acting chairman within its ranks. An acting chairman may serve for a period of up to two (2) years. When the chairman is to be on leave for more than two academic years, the chairman must resign and a new chairman elected.

- B. In critical cases where the department is evenly split in its vote or where the department formally decides that it cannot reach consensus on a candidate, the dean may appoint an acting chairman or a chairman for a period not to exceed two (2) years, subject to the approval of the vice president for academic affairs, the president and the Board of Trustees.

### 3.06 Kinds of Appointments

- A. With the exception of special appointments clearly and specifically limited to a brief association of one (1) year or less with the university (e.g., visiting faculty, part-time faculty, acting appointments, emergency appointments, lecturers, senior instructors, consultants), and appointments or reappointments of retired faculty members on special conditions, all full time appointments to the rank of instructor or higher shall be of four kinds:
  - (1) probationary appointments;
  - (2) appointments with tenure;
  - (3) administrative appointments;
  - (4) continuing appointments without tenure (teaching associate, lecturers, etc.).
- B. Special appointments ("term contracts") do not carry the right of renewal. Each such appointment contract shall specify a starting date and an expiration date. Such contracts do not carry implied or contractual understandings which provide entitlement to further employment. The university is not required to provide a statement of reasons when it decides not to renew the contract of a "term" faculty member.
- C. Those who hold probationary appointments and continuing appointments without tenure are automatically entitled to a new contract if they are not notified of non-renewal according to the notice requirements of this code. If they are notified of non-renewal, they do not have "property rights" of renewal and are not entitled to a statement of reasons.

### 3.09 Types of Appointments

- A. Appointments are planned to meet the needs of the university from September of one (1) year to the September of the following year.

The four (4) intervening quarters may be utilized in faculty appointments unless as provided otherwise in sections of this code.

- (1) Administrative faculty, teaching associates, professional librarians and professional media specialists have faculty status but their appointments may differ from those of other university faculty including academic department chairmen, in length, salary and vacation policies in accordance with the needs of the university and the normal practices of the respective professions.
- (2) A regular appointment for the teaching faculty and department chairmen is for the academic year as defined in Section 1.03.
- (3) A special appointment consisting of two (2) academic year quarters and a summer assignment at the regular summer salary rate (2/9) may be negotiated by a faculty member and the university.
- (4) A regular full-time contract year appointment may be for any three (3) terms from among the fall, winter and spring quarters and a contiguous summer session if the summer session salary is augmented to a full quarter's compensation and the work assignment adjusted accordingly. Such contract year appointments shall be made only with the concurrence of the appointee.
- (5) Nothing in this Section (3.09) shall preclude the university from offering employment to a faculty member during a period when he normally would not have been under contract, nor of contracting with the faculty member for part-time service or service of less than three (3) quarters each academic year.

### 3.12 Non-Tenured Appointments--Length of Term

- A. Except as otherwise provided in this code, non-tenured appointments shall be made for no more than one (1) academic year at a time.

### 3.15 Appointments--Teaching Faculty--Minimum Qualifications

- A. New faculty members, who teach or supervise subjects or activities in which students receive credit, shall hold at least the Master's degree or equivalent as approved by United States accrediting agencies. Only in exceptional cases may this rule be waived (Sections 2.10 and 2.12).

### 3.18 Appointment--Written Statement--Time

- A. All appointments and contract arrangements or changes must be confirmed by the president and the Board of Trustees.
- B. The terms and conditions of every appointment or reappointment to the faculty will be confirmed in writing. Any other subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be confirmed in writing and approved by the president and the

Board of Trustees. The university will normally notify the faculty member of the terms and conditions of his reappointment to be effective September 1, by March 1. It is recognized that action of the State Legislature concerning the following year's budgets often takes place after March 1, making it impossible for the university to make early commitments.

### 3.21 Summer Session

- A. The deans shall recommend the appointment and the salaries of the faculty members who teach during the summer session. Appointments shall be subject to approval of the vice president for academic affairs, the president and Board of Trustees, within the budgetary limitations allowed.

### 3.24 Summer School Appointment

- A. Except as provided in Section 3.09 A (3), appointment to teach in summer school shall be decided on the basis of the program requirements of the university. Whenever any department has more regular faculty members wishing to teach for the summer than there are positions to be filled by members of that department, recommendations for appointment by the department chairman and the deans to the assistant vice president for off-campus programs and the vice president for academic affairs shall be made according to the following provisions and restrictions:

- (1) Available funds;
- (2) Program requirements. No faculty member has the right to demand a teaching assignment in the summer nor does the university have the right to demand the services of any faculty member, except those on twelve (12) month or special contracts.
- (3) As long as basic program requirements of the university are met, a plan for rotation of summer school appointments within a department may be recommended by the department. The plan shall be completed far enough in advance to allow for review and program development. One copy of the department minutes of each department meeting establishing such recommended policies shall be filed with the assistant vice president for off-campus programs, the appropriate dean and the vice president for academic affairs. Such rotation plans are subject to the approval of the appropriate dean and vice president for academic affairs.
- (4) Summer appointments are prorated according to load and/or salary.
- (5) In the selection of summer school faculty, preference shall be given to Central Washington University faculty who apply over outside personnel of similar training and experience.

- (6) Any faculty member who believes either that he has been discriminated against in the matter of summer school appointment, or that his department's rotation system has not been used equitably, may use the grievance procedures contained in this code.

### 3.28 Summer Salaries

- A. Unless otherwise provided in this code, the salaries for regular university faculty teaching full time in the summer session in addition to their regular academic contract year shall be 2/9th's of the salary for the previous academic contract year. A prorated amount shall be paid for teaching a partial load full session or a full load for a portion of the session.

### 3.30 Pay Periods and Salary Payment Policies

- A. The salary for faculty members whose academic contract year comprises the three (3) regular quarters (fall, winter, spring) shall be paid in ten (10) equal payments, beginning September 30, and ending June 30. The salary for faculty members whose academic contract year comprises two (2) academic year quarters and a summer assignment may be paid in ten (10) monthly payments beginning with the quarter in which the actual assignment begins, provided that the university cannot make payments in advance of work to be completed.
- B. In cases of separation from the university payroll before the completion of any contract period, or for personal leaves, the state policy of prorating earned income on a daily basis will be followed. Working days are considered to be the total of all instructional, registration, and final examination days (Section 1.04), unless as provided otherwise in this code.

### 3.32 Additional Assignments for Additional Pay

- A. Approximately 80 percent of a regular faculty member's work load is devoted to teaching responsibilities and 20 percent to nonteaching responsibilities (Sections 2.19, 2.38). The specific assignments may be varied on a quarter to quarter basis. Teaching responsibilities include preparing for classes, teaching classes, conducting research and other such activities directly related to the individual professor's instruction and scholarship. Non-teaching responsibilities include student advisement, university committee assignments, departmental committee assignments, meetings and other such activities related to general professional responsibilities.
- B. When a faculty member accepts an overload class at the request of the university, he shall be compensated accordingly. Non-teaching assignments beyond the regular non-teaching assigned loads deserve the same consideration. An "overload" is an assignment beyond the normal load guidelines (Section 2.38), and most often involves additional teaching.



### 3.33 Special Assignments

- A. A uniform or flat pay rate per credit taught shall be established for special or part-time teaching assignments by the vice president for academic affairs and observed for all such assignments including those in continuing education. This shall apply to adjunct faculty as well as to regular faculty who wish to teach an extra class and be reimbursed. Prior approval for such assignment and payment is required.

### 3.34 Use of University Facilities When Not Employed or During Vacation Periods

- A. Because of the provisions in this code regarding employment of faculty members, the faculty member's relationship with the institution is not terminated when he is on vacation during the summer or other quarters. A tenured faculty member, and any other faculty member who is expected to return to teach classes and has been re-employed by the university to do so, does have a continuing employment relationship with the university during such periods. While this relationship does not require the faculty member to perform his teaching services for the university, and it does not require the university to pay compensation to the faculty member, a relationship between the two does exist with regard to certain employee privileges and obligations.
- B. If a faculty member desires to use the university facilities and services (labs, offices, phones, classrooms, secretarial assistance, etc.) during a summer session or during any quarter when he is not required to perform his professional services, specific permission must be obtained from the school or department authorizing the use of those facilities. When possible, the university should honor such requests. Use of the university library and the services of administrative offices is encouraged at all times.

### 3.39 Reappointments--Procedures

- A. Final recommendations concerning the reappointment of any faculty member shall be submitted to the president of the university by the vice president for academic affairs. Each school dean advises the vice president, following a procedure which utilizes recommendations or information from four possible sources, as follows, provided that faculty members with administrative appointments or for whom the following is inappropriate shall be fairly evaluated by similar procedures:
  - (1) Each faculty member in a candidate's department or section may submit a statement to the appropriate dean, using forms provided for the purpose, indicating his recommendation regarding reappointment;
  - (2) Each department or section shall submit a departmental recommendation regarding reappointment, using whatever committee procedure it desires in arriving at the recommendation;

- (3) Each department or section chairman shall submit to the appropriate dean or director his independent recommendations regarding reappointments;
- (4) Each faculty member under consideration may submit materials to his department chairman and school dean regarding his reappointment which he believes will be helpful in an adequate consideration of his circumstances.

### 3.42 Definition of Tenure

- A. Tenure entitles a faculty member to continuous appointment in a specific department or unit of the university, or in the university as a whole, and retention of rank without discriminatory reduction of salary and without dismissal except for adequate reason, determined according to the requirements of due process as set forth in the Faculty Code.
- B. The granting of tenure is a discretionary decision. Tenure should be granted to faculty members of such character and ability that the university, so far as its needs, resources and state laws permit, can justifiably undertake to employ them for the rest of their academic careers. Such a decision must be considered carefully. The granting of tenure shall be a specific act, even more significant than promotion in academic rank, and should be exercised only after careful consideration of the faculty member's scholarly qualifications, teaching ability, character, and other qualifications specifically related to the university's needs. Specifically, all individuals and committees responsible for tenure recommendations shall apply in such recommendations strong positive evidence of effective teaching, clearly demonstrated ability to produce solid research or works of sound scholarship or high artistic merit, and a record of effective and significant contribution to the proper functioning of the university and the educational needs of students.

### 3.45 Eligibility for Tenure--General

- A. Only ranked faculty members as listed in Section 2.05 of the Faculty Code are eligible for tenure. Normally, faculty members with academic rank whose duties are entirely administrative or combine both administrative and part-time teaching responsibilities are eligible for tenure only in their capacities as teaching faculty members, and upon recommendation of the department or program in which they hold rank. The tenure of a faculty member who holds an administrative position extends only to the academic rank which he holds conjointly with such administrative position.
- B. Appointment to administrative office, or the loss of same, shall not deprive the appointee of continuation of tenure in the highest professional rank in which he held tenure prior to, or during, his appointment to such administrative office; his salary shall not be lower than the average salary of those who have held similar rank positions, pro-rated to the appropriate yearly basis.

- C. Faculty members with rank on full-time institutional assignments at other locations shall accrue tenure eligibility in accordance with the provisions of this code as if they were employed on the main campus of the university in Ellensburg.

### 3.48 Acquisition of Tenure--Probationary Periods

- A. The decision whether to grant, deny or defer tenure shall be made in a manner consistent with the following provisions regarding probationary periods.
  - (1) Appointments shall not be made for more than one (1) academic year at a time.
  - (2) Faculty members who were employed full time on a regular appointment in their current assignment by the university prior to September 1, 1975, and who were appointed to the academic rank of instructor or higher may be granted tenure effective the beginning of the academic year immediately following a four (4) year period of full-time employment with the university and a department or program, the decision of tenure to be made in the fourth year;
  - (3) Faculty members whose full-time employment on a regular assignment becomes effective after September 1, 1975, and who are appointed to the academic rank of instructor or higher may be granted tenure effective the beginning of the academic year following a six (6) year period of full-time employment with the university, the decision to be made in the sixth year;
  - (4) A faculty member may, when circumstances make it justifiable, be granted tenure by the Board of Trustees, effective at a specified time prior to the expiration of a four (4) or six (6) year probationary period with the university, and occasionally may be granted tenure at the time of original appointment; such appointment shall ordinarily be upon recommendation of the appropriate academic department and administrators;
  - (5) The decision to grant tenure may be deferred, with the provision that a faculty member shall not be reappointed with non-tenured status for more than one (1) academic year immediately following the expiration of the applicable six (6) year period, or for more than three (3) academic years following the expiration of the applicable four (4) year period;
  - (6) Faculty members with academic rank other than department chairmen, whose duties are entirely administrative or combine both administrative and part-time teaching responsibilities, may be granted tenure by the Board of Trustees effective at the beginning of the academic year following the expiration of the applicable four (4) or six (6) year probationary period. Eligibility for tenure shall be determined, if possible, at the time of the assumption of such administrative responsibilities, by the

president and vice president for academic affairs in consultation with the appropriate academic department or program; and such appointment shall ordinarily be upon recommendation of the appropriate department and administrators;

- (7) Faculty originally appointed as substitutes for faculty on leave for an academic year or more; faculty appointed in an emergency situation for a term of less than one (1) academic year; faculty who have left the university but are subsequently rehired; and faculty on continuing appointments without tenure--any of whom later receive regular appointments on the faculty may petition the Board of Trustees through the appropriate university administrators to count their substitute, emergency, prior, or continuing appointment without tenure service as a part of their probationary periods, if such service was full-time;
- (8) A faculty member may request a review of his qualifications and performance by the tenured members of his department at any time during the probationary period.

### 3.51 Tenure--Procedure for Granting

- A. At the time tenure decisions are to be considered (normally in spring quarter) each dean or unit director shall submit his tenure recommendations to the vice president for academic affairs. Such recommendations shall be based on written data from a combination of sources as follows:
  - (1) Each faculty member with tenure in the candidate's department or section may submit a written statement with his recommendation, using forms provided;
  - (2) The academic department/section may submit a departmental/section recommendation in writing using whatever committee procedures it desires;
  - (3) The department/section chairman shall submit his independent recommendation in writing;
  - (4) The faculty member under consideration, if he so desires, may submit data in support of his candidacy;
  - (5) The provisions in Section 2.30 A (1), may be applied if necessary for those faculty members who are in programs or on special assignments outside of departments.

### 3.54 Notice of Termination by Faculty Member

- A. A faculty member, defined in Section 1.01 A (1), may terminate his appointment at the university effective at the end of an academic year, provided he gives notice at the earliest possible opportunity, but not later than three (3) months before the end of his duties during an academic year, or thirty (30) days after receiving notification of the terms of his appointment, if any, for the next academic year, whichever date occurs later. The faculty member may properly request of the Board of Trustees, through the appropriate chairman, dean,

the vice president for academic affairs and the president a waiver of this requirement of notice in case of hardship or in a situation where otherwise he would be denied substantial professional advancement.

- B. Faculty members as defined in Sections 1.01 A (2) and 1.01 A (3) are expected to give at least three (3) months notice of resignation. Such faculty members may also properly request of the Board of Trustees, through the appropriate chairman, dean, the vice president for academic affairs and the president a waiver of this requirement.
- C. Unless otherwise mutually agreed, any faculty member as defined in Section 1.01 who terminates his service without giving notice or who fails to complete an academic year or other terms for which he shall have been employed, except under highly unusual circumstances, is regarded as having breached his contract with the university and inquiring prospective employers will be so informed. Requests for acceptance of resignation of such faculty members may be granted with prejudice.
- D. Breach of contract can place the university in a position of hardship in meeting its responsibilities to its students and its services to the state. Such action on the part of faculty will be regarded by the university as a breach of professional ethics. The faculty member so breaching his contract may be held liable to the university for any damages arising from that breach.

### 3.55 Resignation

- A. In the case of resignation, an official letter of resignation should be written by a resigning faculty member to his section or department chairman for acceptance and for forwarding to the dean or unit director with the departmental/section recommendation. The letter should contain the date of writing, the effective date of resignation, and the signature of the faculty member. The original of this letter shall be retained in the personnel folder of the resigning faculty member.
- B. The dean or unit director shall notify the office of the vice president for academic affairs of the resignation and indicate his recommendation on its acceptance. Included with the letter of transmittal should be two photostatic copies of the original letter of resignation.
- C. The vice president for academic affairs will forward one copy of the letter of resignation to the president with his recommendation as to its acceptance and for possible inclusion on the Board of Trustees' agenda. All resignations of faculty members shall be subject to the approval of the Board of Trustees.

### 3.56 Faculty Standing Committee--The Faculty Grievance Committee

- A. There shall be one Faculty Standing Committee--the Faculty Grievance Committee.
- B. Any member of the faculty is eligible to serve on the Faculty Grievance Committee, with the exception of department chairmen and chief administrators, including but not limited to the president, vice presidents and deans. Neither membership on the senate nor possession of tenure or high rank will be required for eligibility. No member

of this committee, however, shall serve concurrently on the Faculty Senate Personnel Committee or Faculty Senate Code Committee nor shall any two (2) members or alternates be from the same department.

- C. Members of this committee shall be appointed by the Senate Executive Committee and ratified by the senate at the last regular meeting of each academic year. Members and alternates shall serve terms of three (3) calendar years beginning June 15, or until the appointment of their successors are ratified. Members and alternates may be reappointed and serve any number of successive terms. Terms shall be staggered so that only one position will need to be filled in any one year for both member and alternate. When the original appointee is unable to complete the full term of office, an alternate shall complete the remainder of that three-year term, at which time a new member and alternate will be appointed in the normal way.

### 3.57 Faculty Grievance Committee--Composition

- A. The Faculty Grievance Committee shall consist of three (3) faculty members who shall elect their own chairman. Three (3) alternate members shall also be elected, at the same time and in the same manner as the regular members, and be possessed of the same powers and subject to the same restrictions as regular members. Alternate members shall serve in the place of regular members in the event that a regular member, prior to any hearing or consideration of an issue, disqualifies himself for any reason, resigns, or is otherwise unable to serve as a functioning member of the Faculty Grievance Committee. The order of service of alternate members shall be determined by the chairman of the committee.

### 3.58 Faculty Grievance Committee--Powers and Duties (General)

- A. The Faculty Grievance Committee shall have the following powers and duties:
  - (1) to select a chairman and establish rules or procedures for the resolution of grievances, provided that such rules or procedures are fair, are informal, and are not inconsistent with provisions of the Faculty Code.
  - (2) to perform the functions assigned to it by the section of the Faculty Code prescribing a grievance procedure;
  - (3) to attempt to resolve by informal means any specific grievances, disputes, or conflicts concerning members of the faculty as defined in Section 1.01, or having any special privileges in this code, provided that, at the option of the individual aggrieved, decisions may be appealed and a formal hearing requested;
  - (4) to recommend policy questions or issues, following or as part of its resolution of specific grievances, disputes, or conflicts, to the attention of the president of the university or other appropriate administrators, and the Senate Executive Committee for further consideration by any senate standing committees.



### 3.59 Disciplinary Actions and Policies

- A. In the event a question is raised concerning the action of any faculty member in relation to this Code or other published university regulations and policies, the requisite elements of academic due process and all provisions of this Code shall be observed. In the case of disciplinary action regarding programs or departments with three members or less, and under conditions calling for faculty participation in the disciplinary action, the appropriate dean will convene an ad hoc committee from among the faculty of the same school who will act as required using the ordinary standards they would apply if the matter had occurred in their own departments. When disciplinary action requires approval by faculty members, the consideration of the case shall take place in a closed meeting of the faculty members of the department or program (or the ad hoc committee) with the safeguards and rights of Section 3.62, A, 6. Minutes of the meeting will be kept and a copy given to the faculty member in question.
- B. The administrative sanctions available are:
- (1) Warning: A warning may be given in response to minor infractions of required Code behavior by faculty members. Warning must be delivered in writing, and must be issued by the chairman of the department or program director in the case of faculty, or by the appropriate school dean in the case of department chairmen or program directors. The warning may designate a probationary period, not to exceed 12 months, during which a repetition of the infraction may lead to a more serious disciplinary step.
  - (2) Reprimand: A reprimand may be given in response to continued minor infractions or a single more serious infraction of the Faculty Code. A reprimand must be delivered in writing, and must bear the signature of the department chairman or program director and the appropriate school dean. A reprimand may designate a probationary period, not to exceed 12 months, during which a repetition of the infraction may lead to a more serious disciplinary step. The faculty members in the department or program involved shall be notified of the reprimand and the situation leading to it during the next regular meeting of the department or program following the issuance of the reprimand. Such notification will be indicated in the minutes of the meeting.
  - (3) Censure: Censure may be given in response to faculty behavior that violates the Faculty Code and which seriously threatens the reputation, integrity, or credibility of the university. Censure must be delivered in writing, and must bear the signature of the department chairman or program director, the school dean, and the vice president for academic affairs. Censure may not be given unless approved by a majority vote of the faculty of the department or program involved. Censure may entail a probationary period, not to exceed 12 months, during which a repetition of the infraction may lead to a more serious disciplinary step.

- (4) Censure with temporary reduction in pay: This sanction may be given in response to repeated violations of the Faculty Code or a violation of the Faculty Code that seriously threatens the functioning of the university. The faculty member involved must be informed in writing by certified mail at least 60 days before the reduction in pay is to take effect. Such reduction in pay shall not exceed 1.5% of the gross regular annual contract salary per month, and shall not continue for more than three months. Temporary reduction in pay must be approved by a 2/3 vote of the faculty of the department or program involved. The written notification must be signed by the department chairman or program director, the school dean, the vice president for academic affairs, and the president of the university. Censure with temporary reduction in pay may entail a probationary period, not to exceed 12 months, during which a repetition of the infraction may lead to a more serious disciplinary step.
- (5) Suspension with reduction in pay: This sanction may be given in response to behavior which is a serious violation of the Faculty Code and which clearly interferes with the functioning of the university or threatens the safety and well-being of university personnel or students. Such suspension shall not exceed a period of 12 months, and the reduction in pay shall not exceed 5% of gross regular annual contract salary per month. The period of suspension may or may not be counted toward seniority. This condition must be specified in the written notification which must be delivered by certified mail at least 60 days prior to the initial date of suspension from regular duties and reassignment. Suspension with reduction in pay and the seniority status involved must be approved by 2/3 vote of the faculty of the department or program involved. The letter of notice shall be signed by the department chairman or program director, the school dean, the vice president for academic affairs, and the president of the university.
- (6) Suspension without pay: Suspension without pay and without accrual of seniority may be applied when the behavior of the faculty member is in violation of the Faculty Code and is intolerable to the continued functioning of the university. Such suspension shall not exceed a period of 12 months. The faculty member involved shall receive written notice of such suspension by certified mail 90 days before the beginning of the suspension period. Such suspension must be approved by 2/3 vote of the faculty of the department or program involved. The letter of notice shall be signed by the department chairman or program director, the school dean, the vice president for academic affairs, and the president of the university.
- (7) Termination or dismissal: This sanction is dealt with in Section 3.72 of the Code.

- C. A recommendation for disciplinary action may be submitted to the vice president for academic affairs or the president by anyone with substantial evidence or alternatively it may be transmitted by or through the faculty member's immediate or principal administrative supervisor. The vice president for academic affairs or the president shall mail to the faculty member so charged a copy of the charges within five (5) working days of their receipt.
- D. At any time in these proceedings the principal administrative officer involved or the faculty member may seek the advice of the Faculty Grievance Committee.
- E. Disciplinary action or the threat of dismissal shall not be used to restrain faculty members in their exercise of academic freedom or other rights. However, "academic freedom" does not include the right to remain a faculty member while persistently refusing to perform one's proper functions as a faculty member or the right to violate university rules and regulations.
- F. Compulsory reassignment: If the behavior of a faculty member represents an immediate and clear threat to the safety or well-being of university students or personnel, the president of the university may, at his discretion, temporarily reassign a faculty member to other duties without prejudice and deny access to the campus while continuing salary at full pay. This step shall be used only during the interim period between the onset of the problem and some other action in order to comply with the requirements of due process, while at the same time protecting the campus community. This action shall not extend for more than 90 days.

### 3.60 Violation of State and Federal Laws--Disciplinary Action

- A. As a general rule, the university should not process a charge that a faculty member has been convicted, on or off campus, of violation of a state or federal law unless the matter constitutes a substantial disruption of or material interference with the legitimate purpose and interest of the university. The violation by a member of the faculty of a criminal law which seriously affects the ability of the faculty member or university to carry out its normal activities shall be considered of legitimate interest to the university.
- B. In a case where proceedings determine a violation by a member of the faculty, on or off the campus, the university may consider but is not bound by any action taken in regard to the conviction by city, state, or federal courts. However, to avoid injustice resulting from the imposition of multiple penalties for the same conduct, the university should avoid subjecting a faculty member to a penalty in regard to the same violation substantially in addition to that imposed on such member by a city, state, or federal court, when and if such penalty is known, unless there is real justification for such action. The university shall be justified in taking action if the faculty member's action has seriously affected the faculty member's or the university's ability to carry out its normal activities.

### 3.61 Grievance Procedure

- A. The grievance procedure hereinafter described is open to all faculty members, including part-time teaching faculty and adjunct professors, who feel aggrieved in any matter relating to their employment. The Faculty Grievance Committee may accept a petition for review from a group of faculty members when substantially similar or identical complaints are made.
- B. The following steps shall constitute the grievance procedure:
  - (1) Prior to petitioning the Faculty Grievance Committee for a hearing the aggrieved faculty member or, in the case of group complaint, representatives chosen by the group, will discuss the grievance with the dean or member of the university administration having direct responsibility for the area of concern to the grievant, and both parties shall make a good faith effort to settle the grievance.
  - (2) If no mutually acceptable resolution of the grievance can be reached through discussion with the appropriate dean or university administrator, the aggrieved faculty member or group may petition the Faculty Grievance Committee for review. The petition shall set forth in writing and in reasonable detail the nature of the grievance, shall state against whom the complaint is directed, and the relief sought. The petition may contain any information which the petitioner deems pertinent to the case. The petition may be revised or withdrawn by the petitioner at any time prior to the committee's decision on whether or not to hold an informal hearing, but thereafter, only with the permission of the committee.
  - (3) The Faculty Grievance Committee will investigate the grievance and attempt to resolve the issue. If, in the opinion of the Faculty Grievance Committee following an investigation, a settlement is not possible, the committee shall decide whether or not the facts merit an informal hearing. The committee's decision of cause or no cause for an informal hearing shall be issued in writing within fourteen (14) days of the filing of the petition. If a regular academic session is scheduled to end before the expiration of such time, the committee shall have fourteen (14) days commencing with the first day of the next succeeding academic session to issue its decision.
  - (4) In the event the committee decides to hold an informal hearing, the procedures set forth in Section 3.59 will apply.
  - (5) The Faculty Grievance Committee shall have the power to determine whether an action or decision of any faculty body, the faculty member or university official complained of by the petitioner was the result of adequate consideration of all of the relevant facts and circumstances in terms of the policies, procedures, academic interests and current circumstances of the university.

- (6) The committee shall issue a written opinion embodying therein its findings and recommendations in any matter which comes before it. The opinion will be presented to the parties, the president of the university, (or the chairman of the Board of Trustees in the event the president is a party to the grievance) and to the chairman of the Faculty Senate. It may be circulated more widely if in the judgment of the committee a matter of university-wide policy is involved.
- (7) All decisions of the Faculty Grievance Committee, including the decision whether to grant an informal hearing, shall be by a majority vote of all the members of the committee.

### 3.62 Procedures for Informal Hearings in Cases Not Covered by Section 3.92

- A. A faculty member may apply to the Faculty Grievance Committee for an informal hearing by filing his grievance with the committee. A grievance shall be defined and conform to the statements contained in Section 3.58. The Faculty Grievance Committee shall follow this procedure:
  - (1) In the event the Faculty Grievance Committee decides to conduct an informal hearing, the chairman shall notify the parties as soon as possible after the committee's decision. The notice shall state the date, time and place of the hearing and shall include a copy of the petition filed with the committee. The informal hearing shall be held not less than ten (10) days from the mailing of the notice of the hearing to the parties; unless all of the parties with the consent of the chairman of the committee, agree to shorten the time to less than ten (10) days.
  - (2) The Faculty Grievance Committee may rule at any time prior to commencement of the hearing that it is unnecessary to hold an informal hearing.
  - (3) The informal hearing review shall be conducted as expeditiously as possible and on successive days if possible.
  - (4) The parties to the dispute and any others the committee deems necessary for the review shall make themselves available to appear at the hearing unless they can verify to the committee that their absence is unavoidable.
  - (5) A member of the Faculty Grievance Committee shall remove himself from the case if he deems himself biased or has a personal interest in its outcome. Faculty Grievance Committee members of the same department as the grievant or grievants shall not serve at the hearing. Each party shall have the privilege of one (1) challenge without stated cause and unlimited challenges for stated bias or interest, a majority of the committee members must be satisfied that a challenged member cannot hear the issue impartially before the member is disqualified.
  - (6) In informal hearings, the grievant shall be permitted to have with him a faculty member of his own choosing to act as advisor and counsel. The faculty member must be selected from those covered in Section 1.01 of this code, provided that such faculty member is not a member of any bar.



- (7) Any legal opinion or interpretation given to the Faculty Grievance Committee may be shared with all parties to the case.
- (8) Informal hearings will be closed to all except those personnel directly involved. All statements, testimony, and all other evidence given at the informal hearing shall be confidential and shall not be subject to disclosure or discovery and shall not be released to anyone including the parties involved. Such statements, testimony and evidence may not be used to question the veracity of any party to the case without permission of the person who divulged the information.
- (9) The Faculty Grievance Committee shall file its findings and recommendations with the president of the university within five (5) working days after the conclusion of the informal hearing. There shall be no review by the Faculty Senate.
- (10) Within five (5) working days of the receipt of the findings and recommendations of the Faculty Grievance Committee, the president or his designee (or the chairman of the Board of Trustees in the event that the president is a party to the grievance) shall inform all parties to the case, the chairman of the Faculty Grievance Committee and the Faculty Senate chairman in writing of his decision. The action of the president or his designee shall constitute notice of the final decision in the informal hearing review procedure.
- (11) If the faculty member disagrees with the final decision in the informal hearing procedure, he may then request a formal hearing by directing a written request for a hearing to the chairman of the Board of Trustees within ten (10) days after written notice of the decision in the informal review procedure has been given by the president or his designee. The formal hearing shall be conducted in accordance with the procedures set forth in Sections 3.93 C through R of this code, with the exception of Sections H and K which are not applicable to grievances under this section.
- (12) Failure to apply for a formal hearing within ten (10) days after receipt of the notice from the president or his designee shall be construed as a decision on the part of the faculty member not to contest the results of the informal hearing.

### 3.63 Non-Reappointment--Notice Requirements

- A. Except with dismissal or termination as provided in this code written notice by the president or his designee of a decision not to renew any faculty member's appointment or of any intention not to recommend reappointment of any faculty member to the Board of Trustees shall be made according to the following schedule:
  - (1) By March 15 or at least three (3) months before the end of his duties during the first academic year of service at the university, or if a one (1) year academic appointment terminates during an academic year, at least three (3) months in advance of its termination;



- (2) Not later than February 1 of the second academic year of service at the university, or if a second year appointment terminates during an academic year, at least five (5) months in advance of the effective date of termination;
- (3) By December 15 of the third academic year of service at the university, if the appointment expires at the end of the academic year, or if a third year appointment terminates during an academic year, at least six (6) months in advance of the effective date of termination;
- (4) At least twelve (12) months before the expiration of an appointment after three (3) or more years of service at the university.

### 3.66 Non-Reappointment--Academic Freedom

- A. If a faculty member on probationary or special or administrative appointment, who is not tenured, alleges that considerations violative of academic freedom significantly contributed to a decision not to reappoint him, his allegation will be given preliminary consideration by the Faculty Grievance Committee, which will seek to settle the matter by informal methods. The faculty member making the complaint is responsible for stating the grounds upon which he bases his allegation, and the burden of proof shall rest upon him. If he succeeds in establishing a prima facie case in the judgment of the Faculty Grievance Committee, it then becomes incumbent upon those who made the decision not to reappoint him to come forward with evidence in support of their decision.

### 3.72 Termination of Appointments--Cause

- A. Termination of an appointment with continuous tenure, the continuing appointment of teaching associates, or of a special, or an administrative or a probationary appointment prior to the expiration of the term of appointment may be effected by the institution only for sufficient cause. Sufficient cause for termination shall be:
  - (1) Insubordination; or
  - (2) Conviction of a felony; or
  - (3) Abandonment of positions; or
  - (4) Physical or mental incapacity; or
  - (5) Grievous or willful violation of published institutional and related board rules and regulations; or
  - (6) Conviction for any of the following offenses:
    - (a) Aiding, abetting, or participating in any unlawful act of violence; or

- (b) Aiding, abetting, or participating in any unlawful act resulting in the destruction of state or university property; or
  - (c) Interference by force or violence, singly or in concert with others, with any administrator, faculty member, employee, or student of the institution who was in the peaceful discharge or conduct of his or her duties (RCW 28B.10.570); or
  - (d) Intimidation by threat of force or violence, singly or in concert with others, of any administrator, faculty member, employee or student who was in the peaceful discharge or conduct of his or her duties (RCW 28B.10.571); or
  - (7) Any material and substantial interference with the orderly conduct of the educational process, the operation of the institution, or the rights of others. (Tinker case, United States Supreme Court); or
  - (8) Fraud in securing employment; or
  - (9) Conflict of interest (RCW 43.19.1937; RCW 42.18.010-900); or
  - (10) Gross misconduct; or
  - (11) Academic incompetence.
- P. Termination of an appointment with continuous tenure, the continuing appointment of teaching associates, or of a special, or an administrative, or a probationary appointment may also be effected by discontinuance or termination of a department, program, or division, or reduction in personnel due to (Section 3.78):
- (1) Enrollment loss; or
  - (2) Educational policy change; or
  - (3) State or federal legislative action; or
  - (4) Bona fide financial exigency; or
  - (5) Curtailment of work.

### 3.73 Termination Based on Financial Exigency

- A. A financial exigency must be demonstrably bona fide. For the purposes of this code, financial exigency shall include but not be limited to the university's requirement to meet the directives of the Governor of the State, who has authority over the university's funds; to conform with the budgetary and staffing authorization levels set for a fiscal year or a biennium by the State Legislature and the Governor; to compensate for the loss of projected operational income because of declining enrollments, and to meet loss of federal income supporting university employment.

- B. Where termination of an appointment is based upon financial exigency, faculty members may have the issues reviewed through the appeal procedures provided in this code. In every case of financial exigency, the faculty member or members concerned will be given notice as soon as possible.

### 3.74 Termination--Release Prior to End of Contract Period

- A. If a faculty member who has been notified of termination wishes to resign to accept another position elsewhere, the university may release him prior to the end of his contract period, but is not obligated to do so.

### 3.75 Termination for Medical Reasons

- A. Termination by the university of a tenured appointment, the continuing appointment without tenure of teaching associates, or of a special or administrative or probationary appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence which shall, if the faculty member so requests, be reviewed by the Faculty Grievance Committee or in formal hearing before a final decision is made by the Board of Trustees of the university on the recommendation of the president of the university. The university has the right to demand examination by a licensed physician it chooses, at its expense.

### 3.76 Non-Reemployment of Term Employees

- A. Non-reemployment of a term or probationary employee at the end of his term of employment is not subject to investigation and review except that the employee may request an investigation and review to establish that written notice was or was not received in accordance with the provisions of this code or that his academic freedom was violated. In such cases, the investigation and review will be concerned only with these possibilities and will not consider grounds for non-employment (see Sections 3.06 and 3.66).
- B. American educational practice permits great fluidity in the testing of a faculty member's permanent usefulness in a particular institution. The initial or experimental phase of a faculty member's career at an institution is wisely characterized by a minimum of formal judgment. Furthermore, non-tenure appointments sometimes fall within the marginal area of an institution's educational and financial program; the termination of a faculty member may have no bearing whatsoever upon his professional capacity. In addition, institutional policy does not envision granting tenure to all appointees.

Central Washington University recognizes that the non-tenured member of the faculty is entitled to the full protection of academic due process and to the traditional guarantees of academic freedom extended to tenured members of the faculty.

- C. Institutional responsibility begins with the initial appointment. Recommendations for such appointments shall be made by department or section chairmen or other administrative officers, only after due consultation with the department/section members. On the advice of the chairman, the appropriate dean or director and the vice president for academic affairs shall so state in writing to the new appointee at the time of first appointment, if for any reason the institution does not consider him eligible for tenure. Special procedures used by the department or section, if any, will be made known to each newly appointed member of the faculty by the chairman.
- D. Subsequent to the initial appointment, departments/sections shall provide all appointees eligible for tenure or for continuing appointment without tenure a fair opportunity to participate in the professional work of the department/section insofar as it is consonant with policy. The institution recognizes that the new faculty member is serving a kind of internship and that he may not always be the best judge of his own effectiveness. The guidance and counsel of senior members of the faculty shall be available to him, as well as the opportunity to demonstrate his professional competence to those who will help determine whether a recommendation for granting tenure will ultimately be made.
- E. Given the existence of such practices, a recommendation by a department or section to terminate the employment of a non-tenured member of the faculty, if it is made according to the regularly constituted procedures involving faculty consultation and does not violate the university's Affirmative Action Program, shall not be appealable except on grounds of a violation of academic freedom or a denial of due process. The chairman and dean shall not be required to provide the member of the faculty with reasons for the decision. However, should a non-tenured faculty member challenge the recommendation as a violation of academic freedom or a denial of due process, the chairman and dean may be expected to provide adequate evidence in support of their judgment in the course of hearings, if the aggrieved faculty member establishes a prima facie case in support of his allegations.

### 3.78 Layoff Policy

It is necessary for Central Washington University to maintain a layoff policy in order to make such adjustments in staffing as may be necessitated by financial exigency or program needs. For the implementation of this policy, financial exigency must be demonstrably bona fide; and shall include but not be limited to: mandatory compliance with directives of the governor, legislature, or state agencies; conformity to budgetary and staffing levels authorized by the state; response to reduction in operational income because of declining enrollments; and compensation for the loss of federal income supporting university employment. Grounds for program changes must also be demonstrably bona fide, and shall include but not be limited to a continuing pattern of decline in enrollment within particular departments or units of the university. Under the provisions of this policy, all faculty members, regardless of rank, position, or tenure status, are subject to possible layoff in the event of financial exigency or program needs.

- A. If such financial exigency or need for staffing adjustment among programs occurs, the president of the university shall declare to the faculty, in written form or in public assembly, the causes that exist for layoff; and shall direct the vice president for academic affairs and the Faculty Senate Executive Committee jointly to develop a layoff plan which will address the university's need to reduce the number of faculty members when employed or reallocate faculty positions among the units of the university. The academic vice president and the Senate Executive Committee will evaluate the declaration of financial exigency or need for staffing reallocation and the cause or causes for layoff. If cause for the declaration is substantiated, this plan will (1) identify particular departments or programs in which a specified number of positions are to be eliminated, (2) state the reasons for each decision as to department or program and number of positions, (3) describe the process by which such decisions were arrived at, and (4) establish a strict timetable for each step in the process of review and for final implementation of the plan. The plan will then be made available for review by the Faculty Senate, the deans, and the departments or programs, all of whom may submit written responses to the academic vice president before a date to be specified on the timetable. The vice president and the Senate Executive Committee shall then formulate and submit to the president a draft of the proposed plan, modified to whatever extent they see fit in the light of written responses; this draft shall list the names of affected faculty members, as determined on the basis of order of seniority within a department or program, in accordance with the criteria of 3.78 G. below. The president shall then decide whether to implement the plan as presented or to propose modifications to the vice president and the Senate Executive Committee.
- B. When the plan is in a final form satisfactory to the president, the academic vice president and the Senate Executive Committee, the president or his designee shall implement it by sending by certified mail, or causing to be personally delivered, a layoff notice to each affected faculty member. Each notice of layoff shall be signed by the president, shall include a copy of the final layoff plan; and shall inform the faculty member of the layoff date, of the right to appeal, and of the right to re-employment.
- C. If layoff is necessitated by staffing adjustments for program needs, the university will make every effort to find commensurate employment, for which the faculty member is qualified or for which he could be retrained, elsewhere within its department or units. Recommendations for such alternate employment will be made jointly by the vice president for academic affairs and the Faculty Senate Executive Committee.
- D. In establishing dates of lay-off, the president will attempt to adhere to the standard dates of notification as set forth in Section 3.63 of this Code. If the conditions of financial exigency demonstrably preclude strict adherence to this Section, the President will extend the dates of layoff as far as the fiscal resources of the university permit.

E. Any faculty member who receives a layoff notice may request a formal hearing pursuant to Section 3.93 of this Code, but subject to the following special provisions for layoff:

1. The only admissible grounds for such an appeal, one or more of which the faculty member must allege in a formal request to the Board of Trustees, and the only issues to be considered by a hearing officer or officers are:
  - a) whether the decision was in violation of Constitutional rights
  - b) whether the decision was arbitrary and unreasonable; and
  - c) whether the decision violated in any material way the established procedures of the Layoff Plan.
2. Hearings on such appeals may be consolidated at the suggestion of the hearing officer or officers and with the agreement of the appellants where it appears that the causes for layoff are sufficiently similar to assure an adequate and fair joint hearing.

F. Re-employment

Whenever a position of a full-time, ranked faculty member is vacated by a layoff under this policy, that position shall not be filled by a replacement within a period of two (2) years from the layoff date unless the faculty member who was laid off has been offered re-employment and has failed to accept within thirty (30) days after being sent by certified mail an offer of reappointment. In addition, the following procedures for re-employment shall be observed:

1. The vice president for academic affairs shall establish and maintain a re-employment list containing the names and addresses of all faculty members who are laid off. The name and address of each laid off faculty member shall be kept on the re-employment list for a period of two (2) years from the date of lay-off.
2. Laid off faculty members shall be listed by department or academic area of specialization and in order of seniority.
3. The university may not fill a vacancy in a department or academic area of specialization for which there are names on its re-employment list without first making an offer of re-employment to faculty members on the re-employment list who are qualified for the vacant position.
4. It is the responsibility of laid off faculty members to keep the office of the vice president for academic affairs informed of where they may be reached readily.
5. Any person on a re-employment list who cannot be reached or who fails to accept within thirty (30) days an offer of re-employment shall be deemed to have declined the offer.



6. Any faculty member re-employed shall be placed:
  - (a) at least at the same rank held when laid off, and
  - (b) at least at the same salary step, or if a salary scale is not in effect, at a salary level comparable to that held when laid off.

G. Order of Layoff

- (1) Where it is necessary to lay off one or more members of the faculty within a particular department, program, or other academic unit, layoffs will be made in the following order:
  - (a) part-time faculty members;
  - (b) full-time, non-tenure faculty members in order of seniority;
  - (c) full-time tenured faculty members in order of seniority;
  - (d) between tenured faculty members with equal seniority, the faculty member who has obtained the highest academic degrees shall have the greatest retention priority.
- (2) Order of seniority for all full-time faculty members (whether tenured or non-tenured) shall be determined in the following manner:
  - (a) All periods of service at Central Washington University except for summer school employment shall be counted. Part-time service shall be prorated and added to full-time service for the purpose of computing seniority under this section.
  - (b) Service at Central Washington University shall be measured from the date of appointment by the Board of Trustees. Periods of service shall include leaves of absence without pay where seniority rights were granted by the Board of Trustees, professional leaves, retraining leaves and disability leaves, but shall not include leaves granted to enable a faculty member to pursue advanced degrees.
  - (c) In instances where employees have the same beginning date of full-time service, seniority shall be determined in the following manner:
    - (i) Earliest date of appointment to full-time service by the Board of Trustees, and if a tie exists;
    - (ii) Earliest date of the faculty member's signature on a letter of intent to accept employment, and if a tie still exists;

- (iii) Earliest date of application for employment as determined from the files of the vice president for academic affairs.
- (iv) If a tie exists after the above order has been followed, the vice president for academic affairs, after consulting with the appropriate dean and department chairman, will recommend to the President which faculty member should be laid off.

### 3.80 Grievance Procedure--Personnel Coverage

- A. Besides the full time faculty designated in Section 1.01, the grievance procedures outlined in this code shall be extended to part-time faculty (except students), adjunct professors, clinical appointees, research associates and senior instructors.

### 3.90 Dismissal Procedures--Initial Steps

- A. Dismissal of faculty members shall be distinguished from termination due to reduction-in-force (Section 3.78). Dismissal shall be for adequate cause only and shall accord with the following procedures:
  - (1) Adequate cause for dismissal shall be related directly and substantially to the fitness and performance of the faculty member in his professional capacity. Dismissal for cause shall not be used to restrain faculty members in their exercise of academic freedom or other rights as U.S. citizens;
  - (2) Dismissal for cause of a faculty member shall be preceded by:
    - (a) discussion with the faculty member and appropriate academic and administrative heads looking toward a mutually acceptable settlement;
    - (b) delivery of a written statement to the faculty member, framed with reasonable particularity by the president or his designee, informing the faculty member
      - (i) of the president's intention to recommend the faculty member's dismissal to the Board of Trustees of the university, and the reasons therefor and;
      - (ii) of the faculty member's right to informal and formal hearing procedures. This statement shall be sent or delivered to the faculty member's last known address of record on file with the vice president for academic affairs whose office shall serve as a repository for such addresses for all faculty who are defined in Section 1.01. A copy of the statement shall be filed with the chairman of the Board of Trustees, and the chairman of the Faculty Senate.
- B. If the faculty member being dismissed for cause elects to dispute the truth of the charges against him or to defend himself on the grounds that the charges are not adequate cause for dismissal, he may have, at his option:

- (1) The dismissal decision reviewed in an informal hearing by the Faculty Grievance Committee, pursuant to the provisions of Section 3.92 of this code, and following a hearing, or by a direct referral from the Faculty Grievance Committee, he may have his case reviewed in a formal hearing pursuant to the provisions of Section 3.93 of this code; or
- (2) reviewed initially in a formal hearing pursuant to the provisions of Section 3.93 of this code.

### 3.91 Termination Date

- A. The termination date provided by the president or his designee shall remain firm, whether or not the dismissal is disputed, unless suspension is designated (Section 3.95). If the dismissed faculty member is reinstated, he shall receive all back pay and benefits to which he would have been entitled had he not been dismissed.

### 3.92 Informal Hearings: Dismissal Of Faculty Member for Cause and Termination of Employment Due to Reduction-in-Force.

- A. An aggrieved faculty member shall apply for an informal hearing by filing a written request for a hearing with the president or his designee within ten (10) working days after receiving the written notice of intention to recommend dismissal for cause or notice of termination due to reduction-in-force, and the hearing shall be granted. Upon receipt of the faculty member's request for an informal hearing, the president or his designee, shall provide a copy of the notice of intention to recommend dismissal or notice of termination due to reduction-in-force and the faculty member's request for an informal hearing to the chairman of the Faculty Senate. A hearing will be scheduled as soon thereafter as possible.
- B. The chairman of the Faculty Senate shall, after receiving a copy of the notice of intention to recommend dismissal or notice of termination due to reduction-in-force and the faculty member's request for an informal hearing, establish a date for an informal hearing by the Faculty Grievance Committee. A notice establishing the date, time and place of the hearing shall be provided to the faculty member not more than ten (10) days from the date of the chairman's receipt of the request for an informal hearing.
- C. The informal hearing shall be held not less than ten (10) working days from the mailing of the notice of hearing to the faculty member, unless all of the parties with the consent of the chairman, agree to shorten the time to less than ten (10) days.
- D. The faculty member may waive the opportunity for an informal hearing and initially request a formal hearing pursuant to the provisions of Section 3.93 of this code.
- E. The Faculty Grievance Committee may rule that it is impossible to conduct an informal hearing. In such cases, the committee may decline to conduct an informal hearing and refer it to the president or his designee for a formal hearing.

- F. The informal hearing shall be conducted as expeditiously as possible and on successive days if possible.
- G. The parties and any others the Faculty Grievance Committee deems necessary to the proceedings shall make themselves available to appear at the hearing unless they can verify to the committee that their absence is unavoidable.
- H. A member of the Faculty Grievance Committee shall remove himself from the case if he deems himself biased or personally interested in its outcome. Committee members who are members of the same department as the concerned faculty member shall not serve at the hearing. Each party shall have the privilege of one challenge without stated cause and unlimited challenges for stated bias or interest. In the case of a challenge for stated bias or interest, a majority of the Faculty Grievance Committee members must be satisfied that a challenged member cannot hear the case impartially before the member can be disqualified.
- I. In an informal hearing the faculty member shall be permitted to have with him a Central Washington University faculty member as defined in Section 1.01 of this code, of his own choosing to act as advisor and counsel, provided that such faculty member is not a member of any bar.
- J. Informal hearings will be closed to all except those personnel directly involved in the case. Statements, testimony, and all other evidence given at the informal hearing shall be confidential and shall not be released to anyone or used to question the veracity of any party to the case, without permission of the party who divulged the information, and may be used by the committee only for the purpose of making its findings and recommendations to the president.
- K. Any legal opinion or interpretation given to the Faculty Grievance Committee may be shared with all parties to the case.
- L. The Faculty Grievance Committee shall file its findings and recommendations with the president, the chairman of the Faculty Senate, and the parties within five (5) working days after the conclusion of the informal hearing. Within five (5) working days of the receipt of the findings and recommendations of the Faculty Grievance Committee, the president or his designee shall inform all principles to the case, the chairman of the Faculty Grievance Committee and the Faculty Senate chairman of his decision. This action of the president or his designee shall constitute notice of the final decision in the informal hearing procedure.
- M. If the faculty member disagrees with the final decision in the informal hearing procedure, he may request a formal hearing on the matter by directing a written request to the president or his designee within ten (10) days after receiving notice of the final decision. The president or his designee shall pass the written request on to the chairman or, in the absence of chairman, the vice-chairman or another member of the Board of Trustees within five (5) working days after receiving the request for a formal hearing.

3.93 Formal Hearings: Dismissal of Faculty Member for Cause and Termination of Employment Due to Reduction-in-Force

- A. It is expected that most issues will be settled in an equitable and mutually satisfactory manner through the informal procedures set forth in this code, without resorting to the formal hearing procedures herinafter described.
- B. Failure to apply for a formal hearing within ten (10) days after receipt of the written notice of intention to recommend dismissal for cause or notice of termination due to reduction-in-force, if the informal hearing procedure has been waived by the faculty member, or within ten (10) days after receipt of the final decision if an informal hearing has been held, shall be treated as a waiver by the faculty member of the right to a formal hearing.
- C. Upon receipt of a written request for a formal hearing, the chairman, vice-chairman, or other member of the Board of Trustees, on the basis of longevity and in the preceding order, shall appoint one or more hearing officers, not to exceed three for any hearing, to preside over, conduct and make proposals for decisions, including findings of fact and conclusions of law, in all cases. The board shall afford the faculty member an opportunity for a formal hearing after not less than ten (10) days notice and provide such faculty member with notice of the hearing in accordance with the provisions of RCW 28B.19.
- D. Should more than one hearing officer be appointed to hear the case, a principal hearing officer shall be designated to preside at the hearing.
- E. Service of a notice of hearing will be made by the principal hearing officer to the faculty member's last known address of record on file with the vice president for academic affairs of the university by certified or registered mail, telegraph or personal service at least ten (10) days prior to the hearing. The notice shall include:
  - (1) a statement of the time, place and nature of the proceeding;
  - (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
  - (3) a reference to the particular rules of the university involved; and
  - (4) in cases of dismissal for cause, a short and plain statement of the charges.

The faculty member may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but in writing, clearly and specifically denies the charges against him or asserts the charges do not allege adequate cause for dismissal, such writing and the president's recommendation for dismissal, shall be given to the members of the Board of Trustees for their consideration in acting on the president's recommendation.

- F. The principal hearing officer shall determine whether the hearing shall be open to the educational community or whether particular persons should be permitted in attendance or excluded from attendance.
- G. The faculty member will be permitted to have an advisor or legal counsel of his own choice present at the hearing at his own expense.
- H. The burden of proof that adequate cause for dismissal or grounds for termination due to reduction-in-force exists rests with the university, and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- I. The principal hearing officer may grant recesses of the proceedings to enable either party to investigate evidence as to which a valid claim of surprise is made.
- J. If the parties agree that a formal record or transcript of the proceedings shall be furnished, the cost shall be borne equally by the parties, otherwise the costs shall be borne by the party requesting the transcript.
- K. In cases of dismissal for cause, all documents, communications, and records dealing with the processing of an appeal or grievance shall be filed separately from the individual's personnel file in a sealed envelope which shall not be opened except for use as legal evidence, and then only upon prior written notice to the person. A summary of the final resolution of the case and reference to the entire grievance or appeal file shall be placed in the individual's personnel file.
- L. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the university will, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control, subject to restrictions on the basis of confidentiality or privilege.
- M. The parties will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear, but the principal hearing officer determines that the interests of justice require admission of his statement or testimony, the principal hearing officer may provide for written interrogatories or depositions and may issue subpoenas as provided in RCW 28B.19.120. Such interrogatories and the responses thereto, and depositions so authorized, shall be admissible in the record of the proceedings, provided, that no person shall be compelled to divulge information which he could not be compelled to divulge by answers to interrogatories or by deposition in a court of law.
- N. The principal hearing officer may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- O. The existence or non-existence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received on behalf of such party, provided:



- (1) Upon Whom Binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or non-existence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five (5) days after a copy of such stipulation or admission has been served upon them;
- (2) Withdrawal. Any party bound by a stipulation or admission or record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the principal hearing officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

P. A proposal for decision and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the Board of Trustees together with a record of the proceeding. The hearing record shall include:

- (1) All documents, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections and rulings thereon;
- (5) proposed findings and exceptions, and
- (6) any decision, opinion, or report by the officer or committee chairman presiding at the hearing.

Findings of fact and conclusions of law shall be based only on the hearing record.

Q. Within thirty (30) days of service of the proposal for decision and findings of fact and conclusions of law, any party adversely affected may file exceptions, and thereafter all parties may present written argument to the Board of Trustees, which shall consider the whole record or such portions as may be cited by the parties, and after such review the board shall announce its decision and final action to be taken and the reasons therefor at a regular or special board meeting.

R. Every decision and order, whether proposed, initial, or final, shall:

- (1) Be correctly captioned as to name of agency and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;

- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, the conclusions of law shall include the reason or reasons for particular order or remedy afforded;
- (6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

### 3.95 Suspensions

- A. Until the final decision in connection with the dismissal of a faculty member with tenure or the termination of an appointment prior to the expiration of the appointment has been reached, the faculty member may be suspended, or assigned to other duties in lieu of suspension, by the president of the university. Before suspending a faculty member, pending an ultimate determination of his status according to the hearing and review procedures provided in this Faculty Code, the president will consult with the Faculty Grievance Committee. Suspension is appropriate only pending a formal hearing. Salary and benefits will continue during the period of suspension.

### 3.97 Terminal Salary or Notice

- A. If a tenured faculty member is dismissed for cause, he will receive the equivalent of his salary for at least three (3) months following the date of final notice of termination.



INDEX  
to  
FACULTY CODE OF PERSONNEL POLICY AND PROCEDURE

A

Absence from Class or Campus, page 28  
Academic Freedom  
    Freedom in Classroom, page 8  
    Freedom in Research, page 8  
    Non-Reappointment, page 60  
    Special Obligations, page 8  
Academic Rank, pages 12-15  
    Exceptions to Rank Requirements, page 15  
    Limitations, page 12  
    Minimum Qualifications for Academic Rank, pages 12-14  
Academic Year, page 7  
    Defined, page 7  
    Working days, page 7  
Adjunct Appointments, pages 17-19  
Amendments to the Code--Procedure, pages 2-5  
Annual Leave, page 41  
Appointment of Faculty Members, page 43  
    Adjunct Appointments, page 17  
        Clinical, page 18  
        Instruction, page 17  
        Research, page 18  
    Full-Time Appointments--Defined, pages 6-7  
    General Provisions, page 43  
    Kinds of Appointments, page 44  
    Lecturers, page 15  
    Non-Reappointment  
        Notice Requirements, pages 59-60  
        Academic Freedom, page 60  
    Non-Tenured Appointments, page 45  
    Part-Time Appointments, page 19  
    Professor Emeritus Appointment, page 42  
    Qualifications--Teaching Faculty, page 45  
    Reappointments--Procedure, pages 48-49  
    Senior Instructors, page 18  
    Special Title and Assignments, page 16  
    Summer School Appointments, page 46  
    Summer Salaries, page 47  
    Summer Session, page 46  
    Teaching Associate, pages 15-16  
    Tenure, pages 49-51  
    Termination of Appointment, pages 55; 60-62  
        Cause, pages 60-61  
        Financial Exigency, pages 61-62  
        Layoff, pages 63-67  
        Medical Reasons, page 62  
        Release Prior to End of Contract Period, page 62  
Types of Appointment, pages 44-45  
Written Statement--Time, pages 45-46

## B

### Board of Trustees

- Delegation of Authority, page 5
- Emergency Action, page 5

## C

### Chairmen

- Salary, page 31
- Selection, pages 43-44
- Code Amendments, pages 2-5
- Code Defined, page 1
- Consulting and Outside Work, pages 28-29
- Contracts, Contingency--Degrees, Certificates, page 20

## D

### Definitions

- Academic Year, page 7
- Code, page 1
- Disability Leave, page 38
- Faculty, page 6
- Faculty Senate, page 8
- Full-Time Appointment, pages 6-7
- Tenure, page 48
- Working Days, Academic Year, page 7
- Delegation of Authority, Board of Trustees, page 5
- Department Chairmen--Selection of, pages 43-44
- Disability Leave, 38-40
  - Definition, page 38
  - Eligibility, pages 38-39
  - Long-Term Leave--Benefits, page 39
  - Short-Term Leave--Benefits, page 39
  - Special Conditions, pages 39-40
- Disciplinary Actions and Policies, pages 54-56
- Dismissal for Cause, pages 67-73
  - Dismissal Procedure--Initial Step, pages 67-68
  - Formal Hearings, pages 70-73
  - Informal Hearings, pages 68-69
  - Resignation by Faculty Member, page 52
  - Terminal Salary or Notice, page 73
  - Termination Date, page 68

## E

- Emeritus Professor, page 42

## F

- Facilities, Use of University, page 48

### Faculty

- Absence from Class or Campus, page 29
- Academic Rank, pages 12-15
- Additional Assignments for Additional Pay, page 47

## Faculty (continued)

- Annual Leave--Twelve-Month Appointments, page 41
- Appointments, pages 44-46
- Base Salary, page 20
- Consulting and Outside Work, pages 28-29
- Contingency Contracts, page 20
- Definition, page 6
- Disciplinary Actions and Policies, pages 54-56
- Dismissal for Cause, pages 68-73
- Dismissal Procedures, Initial Steps, pages 67-68
- General Obligations of Teaching Faculty Members, pages 24-25
- Graduate Degree Work, page 19
- Grievance Procedure, pages 57-60; 67-73
- Leave, Professional, pages 32-37
- Load, Faculty, pages 25-28
- Non-Reappointment--Academic Freedom, page 60
- Non-Reappointment--Notice Requirements, pages 59-60
- Non-Reappointment of Term Employees, pages 62-63
- Notice of Termination, pages 51-52
- Part-Time Appointments, page 19
- Promotion in Rank, pages 20-23; 30
- Reappointments--Procedure, pages 48-49
- Records, pages 19-20
- Reports of Service and Permanent Records, pages 19-20
- Resignation, page 52
- Retirement, page 41
- Rights and Privileges, page 7
- Salary, pages 29-32
  - Additional Assignments for Additional Pay, page 47
  - Basic Salary Policy, page 32
  - Correcting Salary Inequities, page 30
  - Date of Salary Payments, page 32
  - Pay Periods, page 47
  - Salary Payment Policies, pages 30-32; 47
  - Salary Requests, pages 29-30
  - Special Assignments, page 48
  - Summer Salaries, page 47
  - Yearly Salary Adjustments, page 30
- Special Titles and Assignments, page 16
- Suspension, pages 55; 73
- Tenure, pages 49-51
- Terminal Degree and Step Increase, page 20
- Terminal Salary or Notice, page 73
- Termination, pages 51-52; 55; 60-62
  - By Faculty Member, pages 51-52
  - Date, page 68
  - Due to Reduction in Force, Informal Hearing, pages 68-69
  - Due to Reduction in Force, Formal Hearing, pages 70-73
  - Release Prior to End of Contract Period, page 60
- Transcripts, page 19
- Travel, page 29
- Use of Facilities, page 48
- Violation of State and Federal Laws--Disciplinary Action, page 56
- Faculty Forum, page 11



## **Faculty (Continued)**

### **Faculty Load**

- Non-Teaching Load, page 27
- Teaching Load, pages 25-27
- Other, Faculty Load, page 28

### **Faculty Senate, pages 8-11**

- Committees. pages 10-11
  - Ad Hoc Committees, page 10
- Faculty Standing Committees, pages 10, 52-53
  - Grievance Committee, pages 53, 55-57
    - Composition, page 53
    - Powers and Duties (General), page 53
- Definition, page 8
- Election of Senators, page 10
- Initiative, page 11
- Membership, page 9
- Officers--Election, pages 10-11
- Powers, page 9
- Referendum page 11
- Review by Faculty, page 11

### **Financial Exigency, pages 61-62**

### **Formal Hearings, pages 70-73**

### **Full-Time Appointment--Defined, pages 6-7**

### **Freedom, Academic, pages 8; 62**

### **Funeral Leave, page 40**

## **G**

### **General Obligations of Teaching Faculty Members, pages 24-25**

### **Graduate Degree Work by Faculty Members, page 19**

### **Grievance Committee, pages 52-53; 57-59**

### **Grievance Procedure, pages 57-59; 67**

## **I**

### **Initiative, page 11**

### **Informal Hearings, Procedures for, pages 58-59**

## **L**

### **Layoff Policy, pages 63-67**

### **Leave, pages 32-41**

- Annual Leave, page 41
- Disability Leave, pages 38-40
- Funeral Leave, page 40
- Leave of Absence Without Pay, pages 41-42
- Professional Leave, pages 32-37
- Retraining Leave, page 37

### **Lecturer--Rights, Privileges and Limitations, page 15**

### **Load, Faculty, pages 25-28**

## M

### Merit

- Criteria for Consideration, page 23
- Increases--Salary, page 30
- Procedure for Recommendation, pages 23-24

## N

- Non-Promotion, Explanation, page 23
- Non-Reappointment--Notice Requirements, page 59

## O

- Obligations, General, of Teaching Faculty Members, page 24
- Overload, page 47

## P

- Part-Time Appointments of Faculty Members, page 19
- Petition, page 11
- Permanent Service Records, Reports of Service, pages 19-20
- Probationary Appointments, page 44
- Probationary Periods, Acquisition of Tenure, pages 50-51
- Professional Leave, pages 32-37
  - Application for, pages 35-36
  - Committee--Powers and Duties, pages 34-35
  - Eligibility, page 33
  - Purposes, page 32
  - Reports, page 36
  - Salary and Administration, pages 36-37
  - Special Conditions, pages 33-34
- Professor Emeritus Appointments, page 42
- Promotions in Rank, pages 20-23
  - Departmental Criteria, page 23
  - Non-Promotion--Explanation, page 23
  - Procedure for Determining Promotions, pages 21-23
  - Promotion Schedule, page 21
  - Salary Adjustments, page 30

## R

- Rank, Academic, pages 12-15
- Rank, Promotion in, pages 20-23, 30
- Reappointments--Procedure, pages 48-49
  - Departmental Criteria, page 23
- Records, Faculty, pages 19-20
- Referendum, Faculty Senate, page 11
- Repeal of Board Ordinances, page 2
- Reports of Service and Permanent Records, pages 19-20
- Resignation, pages 52, 70
- Retirement, page 41
  - Age of Retirement, page 41
  - Professor Emeritus appointments, page 42
- Retraining Leave, page 37
- Rights and Privileges of Faculty Members, page 7

## S

### Salary

- Additional Assignments for Additional Pay, page 47
- Adjustments, Yearly, page 30
  - Merit Increases, page 30
  - Promotions in Rank, pages 20-23, 30
  - Scale Adjustment, page 30
  - Step Increase, pages 20, 30
- Base Salary, page 20
- Contingency Contracts--Degrees, Certificates, page 20
- Correcting Salary Inequities, page 30
- Departmental Criteria for, page 23
- Increase for Completion of Terminal Degree, page 20
- Interim Appointment (pre-autumn), page 31
- Payment Date, page 32
- Payment Policies and Pay Periods, page 47
- Policy, Basic, page 32
- Policies for Miscellaneous Appointments, pages 30-32
- Requests, pages 29-30
- Special Assignments, page 48
- Summer Salaries, page 47
- Selection of Department Chairmen, pages 43-44
- Senate, see Faculty Senate
- Senior Instructors, page 18
- Special Titles and Assignments, page 16
- Step Increases, Salary, page 30
- Summer School Appointment, page 46
- Summer Salaries, page 47
- Suspension, pages 55, 73

## T

- Teaching Associates--Rights, Privileges, Limitations, pages 15-16
- Tenure, pages 49-51
  - Acquisition of Tenure--Probationary Periods, pages 50-51
  - Definition, page 49
  - Departmental Criteria, page 23
  - Eligibility, page 49-50
  - Procedure for Granting Tenure, page 51
- Termination
  - By Faculty Member, pages 51-52
  - By University, pages 55, 60-63, 68-73
  - Cause, pages 60-61
  - Financial Exigency, pages 61-62
  - Layoff, pages 63-73
  - Medical Reasons, page 62
- Transcripts, Faculty, page 19
- Travel, Faculty, page 29

## W

- Working days, Academic Year--Defined, page 7